

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14.02.2018
CORAM
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.30033 of 2016
and
W.M.P.No.26035 of 2016

M.Chezhieyan ... Petitioner

Versus

- 1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai.
- 2.The Chairman/Managing Director,
Chennai Metropolitan and Water and
Sewerage Board,
No.227, 12th Main Road, Anna Nagar,
Chennai - 600 040.
- 3.The Senior Accounts Officer,
Area -VIII, Chennai Metropolitan and
Sewerage Board,
No.227, 12th Main Road, Anna Nagar,
Chennai - 600 040.
- 4.The Revenue Officer,
Zone-8,
Corporation of Chennai,
No.36B/12B, Pulla Avenue,
Shenoy Nagar,
Chennai - 30.
- 5.The Superintending Engineer,
TANGEDCO,
Anna Nagar,
Chennai.

6.Arachelvam

7.Mohideen

8.Zakir Hussain

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents 1 to 4 to remove the name of the Mohideen, 7th respondent herein from the property tax register and other relevant corporation records for the property situated at A 114/82, 3rd Avenue, Anna Nagar, Chennai - 600 102 admeasuring 2 grounds and 913 square feet with building thereupon.

For Petitioner : Mr.G.Rajan
For Respondents : Mr.T.C.Gopalakrishnan,
Standing Counsel for R1 & R4
Mr.N.Ramesh,
Standing Counsel for R2 & R3
Mr.P.R.Dilipkumar
Standing Counsel for R5

O R D E R

The petitioner has come forward with this writ petition seeking for a direction to the respondents 1 to 4 to remove the name of the seventh respondent from the property tax register and other relevant Corporation records for the property situated at A 114/82, 3rd Avenue, Anna Nagar, Chennai - 600 102.

2. The case of the petitioner is that the property in A 114/82, was allotted to the mother of the petitioner by the Tamil Nadu Housing Board in the year 1968. Subsequently, on 07.07.1988 a family arrangement was made and as per the family arrangement, the property was allotted to the petitioner subject to the life interest by his mother Mrs.Sathiyavani Muthu. The petitioner would further submit that the said family arrangement was also confirmed by this Court in C.S.No.1309/1988. It is further stated that after abundant caution, the petitioner's mother executed a Will in favour of the petitioner on 03.03.1994 and she died intestate on 11.11.1999 and the Will was also probated in favour of the petitioner in O.P.No.68 of 2001, dated 7.11.2001.

3. The learned counsel appearing for the petitioner submitted that the sixth respondent is the biological brother of the petitioner and without having any right over the property, he had sold 1/4th share in favour of the seventh respondent. Based on the sale deed the seventh respondent's name was also included in the Corporation tax records. Hence the petitioner gave a representation on 20.8.2016 to the respondents 1 to 4 to delete the name of the seventh respondent. Since no action was taken, the present writ petition.

4. Heard both sides and perused the material documents available on records.

5. The learned counsel for the petitioner submitted that, it would be sufficed, if a direction is issued to the respondents 1 to 4 and pass appropriate orders on the representation of the petitioner dated 20.8.2016.

6. The learned Standing Counsel appearing for the respondents 1 and 4 submitted that the representation of the petitioner would be considered on merits and in accordance with law.

7. The learned Standing Counsel appearing for the respondents 2 and 3 submitted that the officials of Chennai Metropolitan and Water and Sewerage Board, Chennai, will collect the tax based on the records of the Chennai Corporation.

8. In the light of the above submissions made by the learned counsels, this Court without going into the merits of the case, directs the respondents 1 and 4 to pass appropriate orders on the representation of the petitioner dated 20.8.2016, on merits and in accordance with law, after providing an opportunity to all the necessary, within a period of four months, from the date of receipt of a copy of this order.

9. With the above direction, this writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai.
- 2.The Revenue Officer,
Zone-8,
Corporation of Chennai,
No.36B/12B, Pulla Avenue,
Shenoy Nagar,
Chennai - 30.

+1cc to M/s.T.C.Gopalakrishnan, Advocate Sr.no.11212
+1cc to M/s.G.Rajan, Advocate Sr.No.11263
+1cc to M/s.N.Ramesh, Advocate Sr.No.11275
+1cc to Government Pleader Sr.no.12173

NRI (CO)
sm:28.2.2018

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