

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.07.2018

C O R A M

THE HON'BLE Mr.JUSTICE P.D.AUDIKESAVALU

W.P.No.25872 OF 2003

Parivar Seva Reproductive Health Services,
Rep. by Mrs.Maria Anitha,
No.8/4, Mahalakshmi Street,
T.Nagar, Chennai 600 017.

...Petitioner

vs

1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai 600 003.

2.The Assistant Revenue Officer,
Zone-VIII, Corporation of Chennai,
117, N.S.K.Salai,
Kodambakkam,
Chennai 600 024.

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records connected with the demand notice dated 20.01.2003 and the impugned order of the first respondent dated 15.03.2002 and R.D.C.No/7824/2002 dated 24.02.2003 issued by the second respondent and quash the same as illegal, arbitrary void abinitio, and direct the first respondent to grant exemption to the petitioner organisation from payment property tax.

For petitioner : Ms.R.V.Rukmani
for M/s.P.B.Ramanujam

For Respondents : Mr.V.C.Selvasekaran,
Standing Counsel

O R D E R

Heard Ms.R.V.Rukmani, learned counsel appearing for the petitioner and Mr.V.C.Selvasekaran, learned counsel appearing for the respondents.

2.The writ petition has been filed by the petitioner challenging the demand notice dated 20.01.2003, the order of the first respondent dated 15.03.2002 and the order bearing No.R.D.C.N.O/7824/2002 dated 24.02.2003 and for consequential direction to the first respondent to grant exemption to the petitioner from paying property tax under Section 101(e) of Madras City Municipal Corporation Act, 1919.

3. During the earlier hearing on 20.06.2018, learned counsel for the petitioner had submitted that a detailed representation would be made to the Commissioner, Corporation of Chennai for exemption from payment of the property tax and the petitioner would be satisfied that if such representation is duly considered on merits and orders passed thereon.

4.Today when the matter is taken up for hearing, a copy of the representation dated 29.06.2018 submitted to the Commissioner, Corporation of Chennai, with acknowledgment has been produced, in which the petitioner has set out a detailed explanation in justification of the exemption from payment of the property tax on the ground that it is a charitable institution within the meaning of Section 101 of Madras City Municipal Corporation Act, 1919.

5. In view of the aforesaid representation made by the petitioner, it shall be incumbent upon the first respondent viz., the Commissioner, Corporation of Chennai, to consider the same and after affording an opportunity of personal hearing to the petitioner, pass reasoned orders on merits in accordance with law and communicate the decision to the petitioner and file a report of compliance before the Registrar (Judicial) of this Court by 31.08.2018. It is made clear that no views have been expressed by this Court on the correctness or entitlement of the claim made by the petitioner. The writ petition is disposed on the aforesaid terms. No costs.

Sd/-

Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

vri

To

- 1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai 600 003.

Copy TO

- 1.The Registrar Judicial,
High Court, Madras.
- 2.The Section Officer,
Writ Section, High Court,
Madras.

W.P.No.25872 of 2003

GJII (CO)
GN(24/07/2018)



WEB COPY