



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 6288 of 2009

and

M.P. 1 of 2009

S.Walter Lawrence

... Petitioner

Vs

1. The Commissioner,
Corporation of Chennai,
Park Town,
Chennai-600 003.

2. The Zonal Officer VII,
Corporation of Chennai,
1, Lake Area, 4th Cross Street,
Nungambakkam,
Chennai-600 034.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the 2nd respondent culminating with his order RO VII/RDC No.R3/7353/08, dated 10.10.2008 and quash the same.

For Petitioner	: Mr.R.John Sathya
For Respondents	: Mr.R.Arunmozhi, Standing Counsel for Chennai Corporation

O R D E R

This Writ Petition has been filed challenging the impugned order passed by the 2nd respondent culminating with his order RO VII/RDC No.R3/7353/08, dated 10.10.2008 and quash the same.

2. The case of the petitioner is as follows :-

The petitioner has been residing in the above premises right from 1929 from his childhood along with his father and he has performed his marriage in the above said premises and he is residing there continuously and uninterruptedly. The petitioner is paying various charges and taxes to the concerned authorities without fail and nobody has come forward to demand any rent since 1929 and sought for possession of the house. The petitioner has not paid any



WEB CO

rent so far. While being so, one Sri Balasubramaniam and R.Jaganatha Chettiar have come in the year 2000 and made a claim over the property on the pretext that they are legal heirs of one P.N.Sundararaj Chettiar, who happened to be a Trustee of Sri Ramaswamy Anjaneyar Temple Charities, Purasawalkam. Thereafter, the petitioner was forced to file a suit in C.S.No.583 of 2001 against Sri. Balasubramanian and R.Jaganathan in the High Court of Madras seeking for a declaration declaring the plaintiff as the absolute owner by way of adverse possession and for a permanent injunction. Along with the Suit, he has filed an application in O.A.No.684 of 2001 seeking for a temporary injunction. The petitioner has further averred that while the suit is pending, the 1st defendant in the suit died on 13.08.2002 and the petitioner has filed an application to bring the legal heirs viz., his wife and children as defendants in the above suit. While the suit is pending, the petitioner in order to pay the property tax and water tax approached the respondents authorities on the due dates, however, the 2nd respondent had caused a letter dated 09.07.2007 informing that one A.Kandasamy had applied for transfer of ownership and asked for any objections. Immediately, thereafter, the petitioner's counsel has sent a reply dated 16.07.2007 submitting his objection and informed the 2nd respondent about the pending suit in C.S.No.583/2001 and requested the 2nd respondent to drop the matter. Thereafter, the 2nd respondent vide letter dated 08.08.2007 calling upon the petitioner to furnish the copies of the court case and accordingly, the petitioner has furnished all the case papers through registered letter dated 16.08.2007. Thereafter, the petitioner has sent a notice dated 11.06.2008 to the 2nd respondent requesting the concerned authority to inform the status of the proceedings. Thereafter, the petitioner vide his letter dated 17.09.2008 requested the 2nd respondent to furnish the details regarding the status under the Right to Information Act. Thereafter, the 2nd respondent by his reply dated 09.10.2008 informed the petitioner that the aforesaid property has been transferred to Sri.A.Kandaswamy in the register of ownership maintained by the Corporation. Challenging the said reply, the petitioner has filed the present Writ Petition.

3. Though the learned counsel appearing for the petitioner is not ready to conduct the case, the learned standing counsel appearing for the Chennai Corporation would submit that there was a civil suit pending in between the petitioner and the landlord before this Court. Hence, the concerned authority will act as per the outcome of the Civil Suit and the name transfer was effected only for the purpose of collecting the property tax and the authorities are not deciding the title in between the parties.



WEB COPY

4. Therefore, in view of the stand taken by the respondents, even on perusal of the impugned order will clearly reveal that for the purpose of property tax, name transfer has been effected and the authorities undertake to act as per the verdict of the Civil Suit proceedings.

5. In view of the above, mere inclusion of the name by the respondents for the purpose of collecting the property tax will not wipe the rights of the petitioner. Hence, I am not inclined to interfere with the order passed by the respondents. Accordingly, this Writ Petition stands disposed of. However, the liberty is given to the petitioner to work out his remedy after completion of the civil proceedings. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Commissioner,
Corporation of Chennai,
Park Town, Chennai-600 003.
2. The Zonal Officer VII,
Corporation of Chennai,
1, Lake Area, 4th Cross Street,
Nungambakkam,
Chennai-600 034.

+1cc to Mr.R.Arunmozhi, , Advocate SR.No. 48840

W.P. 6288 of 2009

and

M.P. 1 of 2009

A.SK(31/07/2019)