

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.29309 of 2012 and M.P. Nos.1 & 2 of 2012

K.Ramachandran

..Petitioner

-vs-

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

2.The Assistant Revenue Officer,
Division No.III,
Corporation of Chennai,
Ripon Building,
Chennai-600 003.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari calling for the records of the second respondent dated 31.05.2011 in Ni.Ma.U.Thu.Na.Ka.No. L.E2/Special/2011 and quash the same.

For Petitioner : Mr.N.Raja Senthoo Pandian

For Respondents : Mr.R.Arunmozhi,
Standing Counsel

ORDER

The writ petition has been directed against the impugned order dated 31.05.2011 in Ni.Ma.U.Thu.Na.Ka.No.L.E2/Special/2011 passed by the second respondent.

2.Learned counsel appearing for the petitioner would submit that the petitioner was the original allottee of the shop number 49 B, Lily Pond Shopping Complex, Moor Market, Chennai-3. Pursuant to the allotment order dated 17.10.1995 issued by the first respondent, the petitioner had deposited a sum of Rs.14,700/- as a security deposit in respect of the above shop and he has been running a business to sell old stamps and coins in the name and style of M/s.Swamy & Co. in the above said premises. According to the learned counsel appearing for the

petitioner, when the petitioner has been paying monthly licence fee to the second respondent without any default, the second respondent sent a provisional assessment notice dated 31.05.2011 revising the licence fee in respect of his shop premises to Rs.1,30,750/-. Despite representation made on 04.12.2011 and reminder was also made on 22.07.2012 by the petitioner, the second respondent had demanded the petitioner to pay the licence fee in respect of the above shop premises as per the demand under caption warrant notice dated 31.05.2011 claiming the above sum of Rs.1,30,750/- as arrears. When the respondents have absolutely no right or authority to demand such huge amount without passing final assessment order on his appeal dated 04.12.2011, the impugned order is liable to be set aside.

3. When the allotment order states that the petitioner is liable to pay monthly licence fee, learned counsel appearing for the petitioner is unable to show even from his own affidavit filed as to what amount the petitioner has been paying monthly licence fee without any default. Moreover, the counter affidavit filed by the first respondent shows that the petitioner has to pay the increased rent as detailed below:

Jan 1998 to December 1998	= Rs.560 x 12	= Rs. 6,720
Jan 1999 to December 1999	= Rs.616 x 12	= Rs. 7,392
Jan 2000 to March 2000	= Rs.678 x 12	= Rs. 2,034
April 2000 to March 2003	= Rs.745 x 36	= Rs.26,820
April 2003 to March 2006	= Rs.820 x 36	= Rs.29,520
April 2006 to March 2009	= Rs.902 x 36	= Rs.32,472
April 2009 to March 2012	= Rs.992 x 36	= Rs.35,712
April 2012 to Oct 2012	= Rs.1,091 x 36	= Rs. 7,637

4. As the petitioner till date has not come forward to clear the above said amount, this Court is not inclined to entertain the petition since there is no infirmity in the impugned order passed by the second respondent. Accordingly, the writ petition fails and the same is dismissed. Consequently, connected M.P. is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

2.The Assistant Revenue Officer,
Division No.III,
Corporation of Chennai,
Ripon Building,
Chennai-600 003.

+1 cc to M/s.N.Raja Senthoo Pandian, Advocate Sr.No.82847
+1 cc to M/s.R.Arunmozhi, Advocate Sr.No.82510

AKM/12.11.19/3P-5C /

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