

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.04.2019

Coram

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR. JUSTICE C.SARAVANAN

W.A.No.1121 of 2019

S.M.A.Mohammed Saleem

.. Appellant

vs.

Cantonment Executive Officer,
Office of the Cantonment Board,
St. Thomas Mount, Chennai - 16.

.. Respondent

Appeal filed under Clause 15 of Letters Patent against the final order made in W.P.No.8412 of 2008 dated 26.10.2018, praying to issue a Writ of Certiorarified Mandamus to call for the proceedings of the respondent culminating with their tax bill No. 488 signed on 17.3.2008 and quash the same and direct the respondent to fix property tax by following the procedures found in Contonment Act 1924 and demand property tax.

For Appellant : Mr.Liagat Ali

For Respondent : Mr.C.Mohan
for M/s.King and Patridge

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This appeal is directed against the order of the learned single Judge, who while declining to entertain the matter on merit, gave liberty to file an appeal and incidentally imposed a condition to pay 50% of the arrears amount from the year 2011 onwards.

2.Learned counsel appearing for the respondent would fairly submit that if reasonable amount is paid by the appellant, the representation made on 06.02.2019 would be considered and appropriate orders would be passed. The issue pertaining to the building not in existence would also be considered.

3.Learned counsel appearing for the appellant submits that reasonable amount may be fixed.

4.In the light of the above, we deem it appropriate to direct the respondent to consider the representation of the appellant dated 06.02.2019 within a period of six weeks from the date of receipt of a copy of this order on condition that the appellant pays a sum of Rs.2 lakhs in favour of the respondent, without prejudice to the contentions of the parties, within a period of two weeks from the date of receipt of a copy of this order. We also make it clear that in the event of the order being adverse to the appellant, it is well open to him to challenge the said order.

5.With the above direction, the writ appeal stands disposed of. No costs.

Mmi

10.04.2019

This Petition having been posted on this day "For Being Mentioned" in pursuance to the order of this Court dated 10.4.2019 and made herein in the presence of the above said advocate, this Court made the following order;

This matter is listed today under the caption 'For being mentioned' at the instance of the Counsel for the respondent.

No further order is required in this appeal.

mmi/r1

26.04.2019

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To
The Cantonment Executive Officer,
Office of the Cantonment Board,
St. Thomas Mount, Chennai - 16.

+1cc to Mr.M.Liagat Ali, Advocate Sr.34967

+1cc to M/S.King and Partridge, Advocate Sr.35283

W.A.No.1121 of 2019

gj II[co]
srg 8/5/2019