

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.04.2019

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.9903 of 2019
& WMP Nos.10481 and 10483 of 2019

Leela Vijayan

....Petitioner

-vs-

1. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 600 003.
2. The Assistant Revenue Officer,
Corporation of Chennai,
Zone -10, Ward,136
Door No.36B, 2nd Cross Street,
Shenoy Nagar, Chennai-30.
3. The Chairman/Managing Director,
Chennai Metropolitan Water Supply & Sewerage Board,
(CMWSSB)
No.1, Pumping Station Road,
Chennai - 600 002.
4. The Area Engineer,
Area X, CMWSSB
Muthu Krishnan Street,
T.Nagar, Chennai-17.

.... Respondents

PETITION filed under Article 226 of The Constitution of India praying for the issuance of Writ of Certiorari calling for the records pertaining to impugned demand notice issued by the second respondent directing the petitioner to pay Rs.7990/- as arrears of property tax under by fixing the revised half yearly tax as Rs.3995/- Bill No.10/136/01673/000 dated 26.10.2018 in Order Nos 1/18-19/1030137 on the file of the second respondent and quash the same.

For Petitioner : Mr.P.Sidharthan

For Respondents : Mr.T.C.Gopalakrishnan - R1 & R2
Mr.M.Jothikumar - R3 and R4

O R D E R

Mr.T.C.Gopalakrishnan, learned Standing Counsel takes notice for R1 and R2 and Mr.M.Jothikumar, learned counsel takes notice for R3 and R4. At request and by consent of both sides, the Writ Petition is taken up for final disposal at the stage of admission.

2. The petitioner is an individual and has approached this Court challenging the Property tax General Revision notice in Form No.1 dated 26.10.2018 for the first half of 2018-19 enhancing the existing half yearly tax from Rs.1882/- to Rs.3995/-. The property in question is situated at No.12/1(8/1) Gandhi Street, T.Nagar, Chennai - 600 017.

3. The sole grievance raised by the petitioner before me is that no notice has been issued prior to the impugned revision dated 26.10.2018, which was received by him only on 15.03.2019 and that no computation sheet has been provided which will give the break up of the impugned demand.

4. Since the property is admittedly part commercial and part residential, at this juncture I do not embark upon an attribution of the demand towards residential and commercial portions of the property.

5. Upon receipt of the aforesaid notice, the petitioner has filed an appeal dated 23.03.2019 before the second respondent, that is admittedly pending disposal.

6. Taking into record all relevant facts circumstances and by consent of both parties, the following directions are issued:

(i) The petitioner shall pay the entire outstanding demand within a period of two (2) weeks from today.

(ii) The petitioner shall appear before the second respondent on 29.04.2019 at 10.30 a.m for adjudication of the appeal filed on 23.03.2019. No further notice will be issued in this regard.

(iii) The petition shall submit proof of remittance of the aforesaid amount at the time of hearing of the appeal.

(iv) The appellate authority shall take up the appeal, subject to the petitioner submitting proof of compliance of the directions as aforesaid, and dispose the appeal in accordance with law after affording an opportunity of personal hearing to the petitioner within a period of four (4) weeks from the date of conclusion of the personal hearing.

7. The Writ Petition is disposed of in the above terms. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

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To

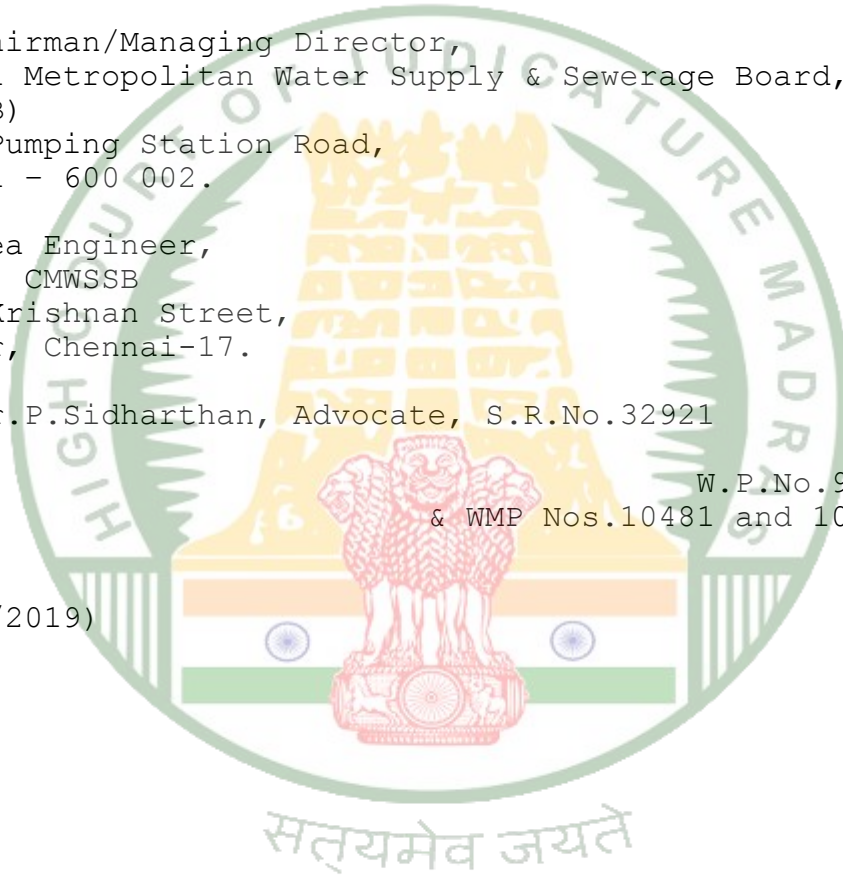
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+1cc to Mr.P.Sidharthan, Advocate, S.R.No.32921

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MP (CO)

RRS (09/04/2019)



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