

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.26627/2019 & WMP.No.26005/2019

The Residents Welfare Association
Registration No.233/1980,
Lakshmi Nagar Extension
rep.by its Secretary M.Munusamy
LNE Play Ground 4th Main Road
Lakshmi Nagar Extension, Porur
Chennai-116.

.. Petitioner

Versus

- 1.The Secretary to Government
Municipal Administration and Water
Supply Department, Government
of Tamil Nadu, Fort St George
Chennai 600 009.
- 2.Greater Chennai City Municipal Corporation
rep. By its Commissioner, Rippon Building
Chennai 600 003.
- 3.The Assistant Commissioner
Zone-XI, Greater Chennai City Municipal
Corporation, Valasaravakkam
Chennai 600087.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 3 herein to revise the Basic Street Rate at Ward No.151, in Zone XI, and arrive at property tax based on the objections and representations made by general public.

For Petitioner :	Mr.Venkataswamy Babu
For R1 :	Mr.R.Udhayakumar, AGP
For RR2&3 :	Mr.K.Soundararajan (SC)

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

- (1) By consent, the writ petition is taken up for final disposal. Mr.R.Udhayakumar, learned Additional Government Pleader accepts notice on behalf of the 1st respondent and Mr.K.Soundararajan, learned Standing Counsel accepts notice on behalf of the respondents 2 and 3.
- (2) The petitioner, on an earlier occasion, had approached this Court by filing WP.No.7455/2019 praying for issuance of a writ of mandamus, directing the respondents, viz., The officials of the Chennai Corporation, to consider and revise the Basic Street Rate and arrive at the property based on the objections raised by the petitioner with respect to the Association Members properties situated at Lakshmi Nagar Extension, Ward No.151, Zone XI, Porur, Chennai-116 and pass such further or other orders.
- (3) A learned Single Judge of this Court, having found that the Association cannot maintain such a kind of writ petition, has dismissed the writ petition vide order dated 11.06.2019 and also granted liberty to the individual members of the petitioner Association to seek a legal remedy.
- (4) The learned counsel for the petitioner would submit that the basic grievance of the petitioner Association is with regard to the fixation of the Basic Street Rate for the reason that in respect of prime localities of the Chennai, viz., Gopalapuram and Teynampet, such rate is lower than the Basic Street Rate fixed in respect of Porur and therefore, prays for appropriate orders.
- (5) Heard the submissions of the learned counsel for the petitioner and Mr.R.Udhayakumar, learned Additional Government Pleader appearing for the 1st respondent and Mr.K.Soundararajan, learned Standing Counsel appearing for the respondents 2 and 3 and also perused the materials placed before it.
- (6) This Court, while dismissing the earlier writ petition in WP.No.7455/2019, filed by the petitioner Association, has granted liberty to the individual members of the petitioner Association to seek the legal remedy and therefore, in the considered opinion of this Court, the present writ petition is not maintainable.
- (7) At this juncture, the learned counsel for the petitioner would pray that the individual members of the petitioner Association may be permitted to submit fresh representations to

the respondents 2 and 3 with relevant and supporting materials and this Court may direct them to consider and dispose of the said representation on merits and in accordance with law within the stipulate time frame.

(8) This Court, in the light of above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the members of the petitioner Association to submit a detailed representation along with supporting, relevant and authenticated documents within a period of four weeks from the date of receipt of a copy of this order and the 2nd respondent, who, upon receipt of the same, shall consider and dispose of the said representation on merits and in accordance with law, within a period of six weeks thereafter and communicate the decision taken, to the members of the petitioner Association who submit individual representations.

(9) The writ petition stands dismissed with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The Secretary to Government
Municipal Administration and Water
Supply Department, Government
of Tamil Nadu, Fort St George
Chennai 600 009.
2. The Commissioner,
Greater Chennai City Municipal Corporation
Rippon Building
Chennai 600 003.
3. The Assistant Commissioner
Zone-XI, Greater Chennai City Municipal
Corporation, Valasaravakkam
Chennai 600087.

+1cc to Mr.K.Soundararajan(SC), Advocate SR.77334
+1cc to Mr.D.Anand Raja, Advocate, SR.77215
+1cc to the Government Pleader SR.78120

WP.No.26627/2019

SJ(CO)

CB(22/10/2019)