

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.31209 of 2019

and

W.M.P.No.31356 of 2019

R.Marappan

S/o.K.Ramasamy

...Petitioner

vs.

1.The Commissioner

Greater Chennai Corporation
Chennai.

2.The Regional Deputy Commissioner

Greater Chennai Corporation
Adayar, Chennai-600 020.

3.The Assistant Revenue Officer

Division 13/Revenue Department

Greater Chennai Corporation

No.115, Dr.Muthulakshmi Road,

L.B.Road, Adyar, Chennai-600 020.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the issuance of the impugned notice in ம.அ-13/வ.து.ந.க.எண்.ஆர்.2-DN-173/5165/2019-20 dated 29.07.2019 on the file of the 3rd respondent and quash the same as arbitrary, illegal and unjustified and direct the 3rd respondent to receive the property tax levied prior to revision till the appeal made by the petitioner dated 20.11.2018 is disposed of by the 2nd respondent.

For Petitioner : Mr.A.Thiyagarajan

For Respondents : Mr.T.C.Gopalakrishnan
standing counsel

O R D E R

Mr.T.C.Gopalakrishnan, learned standing counsel takes notice for the respondents. By consent of both the parties, the main writ petition is taken up for final disposal.

2. The petitioner is aggrieved against the demand notice dated 29.07.2019, wherein and whereby, the petitioner was called upon to pay arrears of property tax to the tune of Rs.32,681/-.

3. Heard both sides.

4. The grievance of the petitioner is that when an appeal filed against revision of the property tax is pending before the 2nd respondent, the impugned demand cannot be made. It is seen that the petitioner was issued with Notice No.1 Property Tax General Revision for 2018-2019 and challenging such revision, the petitioner has filed an appeal before the 2nd respondent on 20.11.2018. It is stated that the said appeal is still pending before the 2nd respondent. Therefore, before the disposal of the said appeal, the impugned demand issued by the 3rd respondent cannot be given effect to, as the outcome of the appeal will certainly, have a bearing on the quantum of the demand.

5. Therefore, without expressing any view on the merits of the contentions raised by both parties, this Writ Petition is disposed of only by directing the 2nd respondent to dispose of the appeal filed by the petitioner dated 20.11.2018 on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Till an order is passed by the 2nd respondent in the said appeal, the impugned demand shall be kept in abeyance. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner
Greater Chennai Corporation
Chennai.
2. The Regional Deputy Commissioner
Greater Chennai Corporation
Adayar, Chennai-600 020.
3. The Assistant Revenue Officer
Division 13/Revenue Department
Greater Chennai Corporation
No.115, Dr.Muthulakshmi Road,
L.B.Road, Adyar, Chennai-600 020.

+1cc to Mr.T.C.Gopalakrishnan, Advocate, S.R.No. 91998
+1cc to Mr.A.Thiyagarajan, Advocate, S.R.No. 92188

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