

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Contempt Petition Nos.2487 and 2488 of 2018

1.R.P.Vasant
2.R.P.Bharati
3.R.P.Kalpana
4.R.P.Dharmendra

... Petitioners in Cont.P.No.2487 of 2018

1.R.P.Vasant
2.R.P.Kalpana

... Petitioners in Cont.P.No.2488 of 2018

-VS-

Mr.D.Karthikeyan,
Commissioner,
Corporation of Chennai,
Ripon Buildings, Park Town,
Chennai - 600 003.

... Respondent in both Contempt Petitions

Petitions filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for wilful disobedience of the order passed by this Court in W.P.No.20863 of 2017 and W.P.No.20862 of 2017 and dated 04.08.2017.

For Petitioners
in both Petitions : Mr.B.Dalayan

For Respondent
in both Petitions : Mr.T.C.Gopalakrishnan
Government Advocate

COMMON ORDER

Heard the learned counsel for the petitioners and Mr.T.C.Gopalakrishnan, learned Government Advocate for the respondent.

2.The contempt petition has been filed alleging that the refund of excess property tax collected to the tune of Rs.1,27,569/- has not been given to the petitioners and therefore, the respondent has committed contempt.

3.It is the admission of the petitioners that there are two buildings in the property and in respect of one building, the petitioners have obtained permission for demolition but the structure is yet to be demolished because the adjoining building is closely attached to this building and if demolition is made of one structure, the other also will fall down. In respect of the other building where the petitioner has not obtained any permission for demolition, it is stated that there is a tenant who is running a small business and to evict the tenant, rent control proceedings have been initiated by the petitioners and the matter is now pending before the Rent Control Appellate Authority.

4.Mr.T.C.Gopalakrishnan, learned Government Advocate appearing for the respondent Corporation, on instruction from the respondent which has been communicated to the learned Government Advocate by Mr.Pradeep Suryakar, Assessor, Zone-V, Corporation of Chennai, submits that the petitioners having obtained permission for demolition in respect of one building and are to apply for demolition in respect of the other property within a short period, after demolishing they are bound to re-construct and in such an event, the excess property tax collected can be adjusted as against the charges payable towards obtaining new building plan approval, vacant land tax or any other statutory levies.

5.The suggestion made is fair enough and the petitioners cannot have any serious objection to the same.

6.Accordingly, these contempt petitions stand disposed of by giving liberty to the petitioners to apply for permission for demolition of one of the existing structure and after demolishing both the buildings as per the permission granted, when the petitioners or their successors in interest or power agents applies for new building plan approval, the excess property tax collected

from the petitioners to the tune of Rs.1,27,569/- should be adjusted from the said amount payable for obtaining new

building plan approval. Considering the age of the buildings and both the buildings are remaining unoccupied and unfit for human occupation and demolition has not been able to be done because a tenant is running a small business in one of the property, this Court restrains the respondent Corporation not to assess the dilapidated structures which are lying vacant to property tax till they are demolished, in other words the respondent Corporation cannot demand property tax for both buildings which are in dilapidated condition. No costs.

SD/-

ASSISTANT REGISTRAR (COMM. CASES)

CSE

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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THS/10/04/2019

To
The Commissioner,
Corporation of Chennai,
Ripon Buildings, Park Town,
Chennai - 600 003.