

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2020

CORAM :

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No.31710 of 2007

T.Muthukumar

... Petitioner

Vs.

1. The Assistant Revenue Officer
Zone VII, Revenue Section Division No.110,
Corporation of Chennai,
4th Street, Lake Area,
Nungambakkam,
Chennai-34.
2. The Senior Accounts Officer,
Chennai Metropolitan Water Supply and
Drainage Board,
Range Office VII Division,
25, Satyamurthy Road,
Chepet,
Chennai-31.
3. The Commissioner,
Corporation of Chennai,
Madras-3

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent Proc.No. HQR No. 1687/07-08 dated 09.06.2007 and quash the same as illegal, incompetent, unjust and thereby render justice and further direct the respondents to assess the petitioner on and from the date of sale viz., 22.3.2005 by the official liquidator of the Andhra Pradesh High Court, Hyderabad in respect of Flat No. 204 to 1169 sq.ft (super built up) in the complex called "Prince Center" situated at new door No. 248/2F/25 (Old No.709/25), Pathari Road, Chennai- 6 and consequently direct the respondents to refund the tax collected in excess of their entitlement.

For Petitioner : Mr.V.Raghavachari
For R1 & R3 : Mrs.Karthikaa Ashok
Standing Counsel
For R2 : Mr.I.David Singh

O R D E R

The petitioner has filed this writ petition praying for issuance of a writ of Certiorarified Mandamus to quash the proceedings of the 1st respondent, the Assistant Revenue Officer, Zone-7, Corporation of Chennai, dated 09.06.2007, demanding property tax from the petitioner in respect of the subject property for the period from 1994-1995 onwards.

2.The question would be whether such a demand can be raised against the petitioner. The answer to the question would be in favour of the petitioner and against the Corporation of Chennai on account of the following facts :

The property was owned by M/s.Asia Pacific Investment Trust Limited, formerly known as M/s.Nagarjuna Investment Trust Limited, and the company was wound up by order dated 19.08.1998 in C.P.No.84 of 1997 on the file of the High Court of Andhra Pradesh, after which, the Official Liquidator, High Court of Andhra Pradesh, took charge of the asset and possession was taken over as per the direction of the High Court of Andhra Pradesh on 08.07.2004. One of the assets of the company was a flat in Chennai, having a super built up area of about 1169 sq.ft. The petitioner purchased the said property in the auction sale after remitting the entire sale consideration to the Official Liquidator to the tune of Rs.12,05,000/-. The Official Liquidator transferred the title in favour of the petitioner and handed over possession of the flat to the petitioner on 03.11.2004.

3.The question would be whether the petitioner can be made liable to pay property tax for the period anterior to the date on which he became the owner of the property.

4.On account of the fact that the company had been wound up and the Official Liquidator was in-charge of the affairs of the company, the Corporation of Chennai should file a claim petition before the Official Liquidator, claiming the payment of arrears of property tax payable by the company which was wound up. However, on or after 03.11.2004, the petitioner will be liable for the payment of property tax. However, for such purpose, the

assessment has to be first changed in the name of the petitioner and thereafter, demand has to be issued and the petitioner has to pay the property tax payable from the assessment year 2004-2005 onwards. Consequently, the assessment of water and sewerage tax by Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB) also has to be changed in the name of the petitioner and similarly, demand has to be issued.

5. In the light of the above, this writ petition is allowed and the impugned demand is set aside with the following directions :

- i. The 1st respondent/Corporation of Chennai is directed to file a claim petition before the Official Liquidator towards the property tax payable from the year 1994-1995 onwards by M/s. Asia Pacific Investment Trust Limited, which was wound up by order dated 19.08.1998 in C.P.No.84 of 1997. If such application is filed before the Official Liquidator, within a period of three months from the date of receipt of this order, the Official Liquidator shall entertain the application and shall not reject the same on the ground of limitation.
- ii. The respondents, viz., the Corporation of Chennai and CMWSSB, are directed to change the assessment of the property in the name of the petitioner and serve demand notice of the property tax for payment of property tax and water and sewerage tax from the assessment year 2004-2005 (II) onwards to the petitioner.
- iii. No costs.

6. Since the Official Liquidator, High Court of Andhra Pradesh, is not a party to this writ petition, Registry is directed to communicate a copy of this order to the Official Liquidator, High Court of Andhra Pradesh.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

mkn

To

1. The Assistant Revenue Officer
Zone VII, Revenue Section Division No.110,
Corporation of Chennai,
4th Street, Lake Area, Nungambakkam,
Chennai-34.

2. The Senior Accounts Officer,
Chennai Metropolitan Water Supply and
Drainage Board,
Range Office VII Division,
25, Satyamurthy Road, Chepet,
Chennai-31.

3. The Commissioner,
Corporation of Chennai,
Chennai-3.

4. The Official Liquidator,
High Court of Andhra Pradesh.

+1cc to M/s.Karthikaa Ashok, Advocate, S.R.No.22736

+1cc to Mr.V.Ragavachari, Advocate, S.R.No.22506

+1cc to Mr.I.David Singh, Advocate, S.R.No.22639

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PPA (CO)
KKV/17/07/2020



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