

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.10583 of 2020

The Madras Secretariat Co-operative
Building Society,
Represented by President S.Arun,
S/o. Sampath Kumar
No.144, Third Street,
Secretariat Colony,
Kellys, Chennai - 600 010.

...Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

2. The Zonal Officer,
Greater Chennai Corporation,
Zone -6, Ayyanavaram,
Chennai - 600 023.

3. K. Rajeshkumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents 1 and 2 to consider and dispose the petitioner's representation dated 12.06.2020 as per law cancelling the assessment order collecting the property tax in the name of Thiru.K. Rajeshkumar vide No 2018-2019/Nov6/1223692, Receipt Date 27.02.2019 from the third respondent for the Shop No.19, Medavakkam Tank Road, Kilpauk, Chennai - 600 010, since it is clearly against the Madras City Municipal Corporation Act 1919.

For Petitioner : K. Selladurai

For Respondents : Mrs.Karthikaa Ashok
Standing Counsel [R1 and R2]

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the first and second respondents to consider the representation made by the petitioner on 12.06.2020 and to pass appropriate orders, within the time stipulated by this Court.

2. Mr.Selladurai, learned counsel appearing on behalf of the petitioner submitted that the subject property was assigned in favour of the petitioner society by virtue of a Government Order passed in G.O.Ms.No.2374 dated 20.07.2019. The learned counsel further submitted that the property was divided into various plots in order to allot the same to the members. The society allotted the vacant land in favour of the third respondent by way of lease and the petitioner society continues to be the owner of the property. The learned counsel submitted that the first and second respondents accessed the subject property in the name of the third respondent, even though the third respondent was only a lessee to the petitioner. Hence, the petitioner Society made a representation on 12.06.2020 to the first and second respondents to cancel the assignment standing in the name of the third respondent and to assess the property tax in the name of the petitioner society. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

3. Mrs. Karthikaa Ashok, learned Standing Counsel appearing on behalf of the first and second respondents submitted that the representation made by the petitioner will be considered after issuing notice to the third respondent and appropriate orders will be passed in accordance with law.

4. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the first respondent to forward the representation made by the petitioner on 12.06.2020 to the concerned officer and the concerned officer shall consider the representation strictly in accordance with law after issuing notice to the third respondent and final orders shall be passed within a period of eight (8) weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the first respondent along with a copy of the representation dated 12.06.2020 and all other necessary documents and also a copy of this order.

This writ petition is disposed of with the above direction.
No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

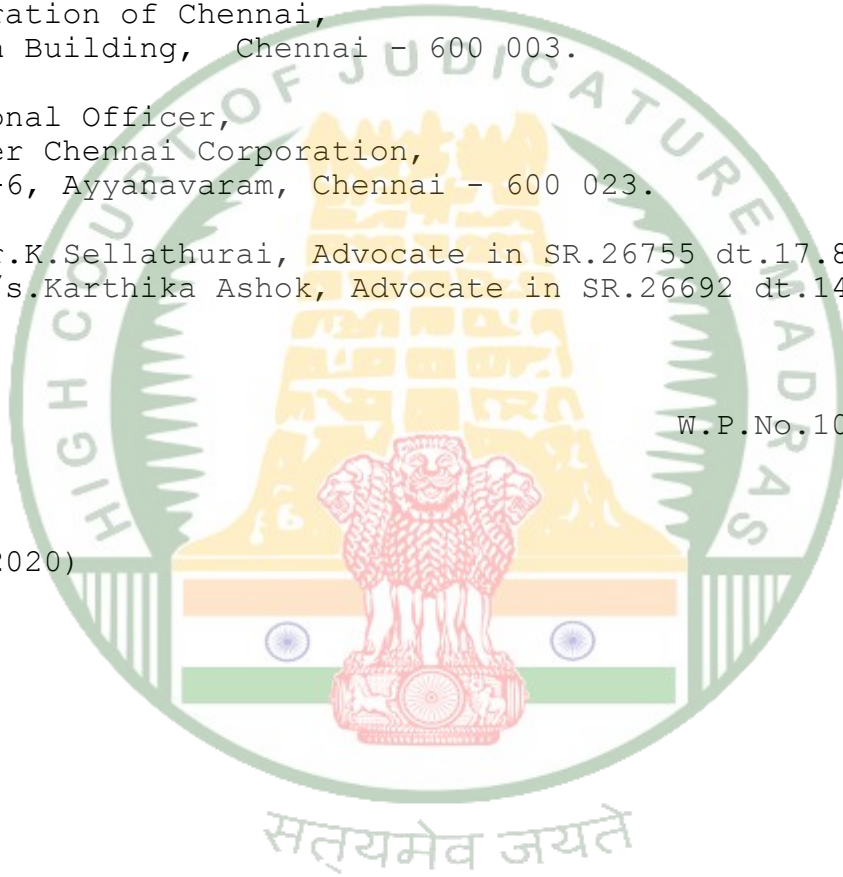
1. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai - 600 003.
2. The Zonal Officer,
Greater Chennai Corporation,
Zone -6, Ayyanavaram, Chennai - 600 023.

+1cc to Mr.K.Sellathurai, Advocate in SR.26755 dt.17.8.2020

+1cc to M/s.Karthika Ashok, Advocate in SR.26692 dt.14.8.2020

W.P.No.10583 of 2020

MR(CO)
RV(15/09/2020)



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