

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.10727 of 2020

J.Sathish Kumar

... Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Buildin,
Chennai 600 003.

2. The Zonal Officer,
Zone VIII - Revenue Department,
Greater Chennai Corporation,
No.36-B, Pulla Avenue,
Shenoy Nagar, Chennai 30.

3. K.Jayamahesh

.... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the second respondent to dispose of the representation dated 03.06.2019 for the cancellation of the assessment No.08-103-14601-000 made in the name of the third respondent in respect of the property bearing No.13, Vasu Street, Kilpauk, Chennai 600 010 and to conduct fresh enquiry in accordance with order passed in W.P.No.14379 of 2018 and pass orders.

For Petitioner : Mr.L.Dhamodharan

For Respondents : Mrs.Karthika Ashok,
Standing Counsel for R1 and R

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the second respondent to dispose of the representation made by the petitioner on 03.06.2019, wherein, the petitioner has sought for conducting a fresh enquiry in accordance with the order passed in W.P.No.14379 of 2018.

2.The case of the petitioner is that he is the owner of the property to an extent of 9219 sq.ft including of ½ undivided share in the common passage. According to the petitioner, he became the owner of the property by virtue of sale deed dated 20.10.2006 and a settlement deed dated 30.05.2009. The further case of the petitioner is that the third respondent is the owner of the property measuring an extent of 1652 sq.ft. The third respondent approached this Court and filed a writ petition bearing W.P.No.14379 of 2018, directing the Corporation of Chennai, to dispose of the representation made by him.

3.This Court disposed of the writ petition by an order dated 14.06.2018, directing the Corporation of Chennai to consider the representation and pass appropriate order, after providing an opportunity to all the necessary parties.

4.The grievance of the petitioner is that the second respondent even without issuing notice to the petitioner has now proceeded to assess the property tax of the third respondent for a larger extent including the property belonging to the petitioner. According to the petitioner, this was done even without conducting a survey of the property and identifying the respective properties of the petitioner and the third respondent.

5.The petitioner made a representation to the third respondent on 03.06.2019 to conduct a survey and to cancel the earlier assessment made by the third respondent and to conduct a fresh enquiry in accordance with the earlier order passed by this Court in W.P.No.14379 of 2018. Since the representation was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

6.Heard Mr.L.Dhamodharan, learned counsel appearing on behalf of the petitioner and Mrs.Karthika Ashok, learned Standing Counsel appearing for the respondents.

7.Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the second respondent to consider the representation made by the petitioner on 03.06.2019 and deal with the same strictly in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order. The second respondent shall issue notice and give an opportunity to the third respondent before conducting the enquiry and passing final orders. The petitioner is directed to make a fresh representation to the second respondent along with all necessary documents and also a copy of this order.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner,
Corporation of Chennai,
Rippon Buildin,
Chennai 600 003.

2.The Zonal Officer,
Zone VIII - Revenue Department,
Greater Chennai Corporation,
No.36-B, Pulla Avenue,
Shenoy Nagar, Chennai 30.

3.The Government Pleader,
High Court, Madras.

+1cc to M/s.Karthika Ashok, Advocate in SR.27128

+1cc to Mr.L.Dhamodaran, Advocate in SR.26940

W.P.No.10727 of 2020

LN (CO)
RV (07/09/2020)

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