

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6499 of 2016
and
W.M.P.No.5799 of 2016

1.Mrs.E.Kanchana
2.Mr.E.Balasubramaniam

...Petitioners

Vs

1.The Commissioner of Chennai Corporation,
Rippon Building, Chennai.

2.The Assistant Revenue Officer,
Corporation of Chennai,
Zone-IX, Ward No.123,
Valluvarkottam, Nungambakkam,
Chennai - 600 034.

3.The Assistant Executive Engineer,
Chennai Metropolitan Water Supply
and Sewerage Board,
Area-X,
No.4, I Main Road, Indira Nagar,
Chennai - 600 020.

4.Mrs.K.Kupppammal

...Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India to issue a Writ of Mandamus directing the
second respondent to restore the name of the petitioners
property tax instead of the said fourth respondent.

For Petitioners : Mr.Ramesh Venkatachalapathy

For Respondents : No appearance

O R D E R

Today, the matter is called through video conferencing. By
consent of both the parties, the writ petition is taken up for
final disposal.

2. The petitioners herein claims title over the property in Old Door No.110, New No.16, Dr.Rangachari Road, Mylapore, Chennai - 600004. In view of the rival claim made by the fourth respondent, the civil proceedings with regard to title over the property came to be initiated between the parties, which is now pending in an appeal in A.S.Nos.291 & 292 of 2015 before this Court.

3. It is stated by the learned counsel for the petitioners that pending the writ petition, the first petitioner, who is the mother of the second petitioner, died and the second petitioner is the only surviving legal heir of the first petitioner.

4. The grievance of the petitioners is that the respondent corporation have removed their name in the property tax assessment over the subject property and their representation seeking for restoration of their name has not been considered, which prompted them to file the present Writ Petition.

5. The limited prayer sought for in the writ petition is for a direction to the authorities to restore their name instead of the fourth respondent name.

6. When the issue with regard to the title is already pending before the Civil Court for adjudication, it would not be appropriate to consider the issuance of a direction sought for by the petitioners. However, it is needless to point out that whenever a finality arrives in the civil proceedings, the Corporation officials would be duty bound to incorporate the name of the persons in whose favour the title is conferred by the Civil Court. As such, it would be appropriate to grant liberty to the petitioners to seek for such a request, after the conclusion of the Civil Proceedings.

7. In the light of the above observations, the Writ Petition stands closed, with liberty to the second petitioner to approach the concerned authority ventilating his grievances, as and when the civil proceedings between the petitioner and the fourth respondent is finalized. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

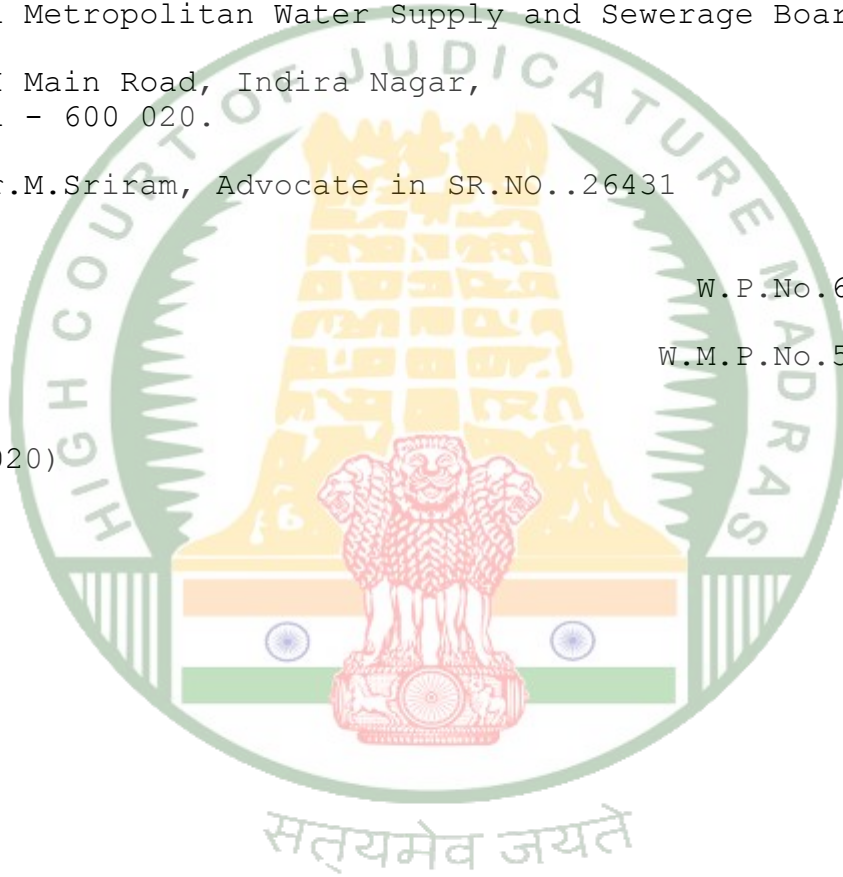
To

1. The Commissioner of Chennai Corporation,
Rippon building, Chennai.
2. The Assistant Revenue Officer,
Corporation of Chennai,
Zone-IX, Ward No.123,
Valluvarkottam, Nungambakkam,
Chennai - 600 034.
3. The Assistant Executive Engineer,
Chennai Metropolitan Water Supply and Sewerage Board,
Area-X,
No.4, I Main Road, Indira Nagar,
Chennai - 600 020.

+1cc to Mr.M.Sriram, Advocate in SR.NO..26431

W.P.No.6499 of 2016
and
W.M.P.No.5799 of 2016

vg-ii(co)
rv(29/9/2020)



WEB COPY