



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.08.2021

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.20218 of 2012

and

M.P.No.1 of 2012

M/s.Cosmo Foundations Limited,
rep. By its Chairman,
Mr.A.R.Vinod Kumar.

...Petitioner

Vs

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

2.The Assistant Revenue Officer,
Zone II, Division 23,
Corporation of Chennai, Chennai.

3. T.N.S.Ravikumar

4. E.Kotteswaran

5. Padmavathiammal

...Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records comprised in proceedings No.Z.O.II R.D.C.No.R1/1610/2008 dated 30.1.12 on the file of the Principal Secretary and Commissioner, Corporation of Chennai/first respondent herein and to quash the same and consequently forbear the first and second respondents or their subordinates from making any assessment order in the guise of Door No.511 in respect of the property comprised in (Old) Survey No.600, (New) Survey No.600/2, Mint Street, Chennai-79 in contravention of the existing entires in the Permanent Land Register.

For Petitioner : Mr.N.Muralikumaran
M/s.Mcgan Law Firm

For Respondents : No Appearance (for R1 to R4)
R5-Dismissed vide Court order
dt. 31.06.2016.



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O R D E R

The writ on hand is filed challenging the order impugned dated 30.01.2012 passed by the Principal Secretary and Commissioner, Corporation of Chennai, stating that the petitioner has to get a specific direction from the Hon'ble High Court in view of the title dispute pending between the parties in C.S.No.928 of 2008 and unless a clear direction has been issued by the Court, the Corporation cannot effect transfer of name in the revenue records.

2. Undoubtedly, the Corporation has to issue the Property Tax Assessment Order in the name of the owner of the property. If at all there is any dispute regarding the title / ownership, then the parties are bound to establish their case and produce all necessary documents to establish that they are the lawful owners of the property, for the purpose of effecting name transfer and for assessment of property tax.

3. In the present case, admittedly, various litigations are pending between the parties. The title itself is in dispute. The learned counsel for the petitioner states that many developments took place during the pendency of the writ petition and the petitioner would be able to establish their title before the Corporation officials. Thus, an opportunity has to be granted to the petitioner in view of the fact that the private respondents are further attempting to manipulate the documents.

4. This Court cannot go into the details of the civil suits which are pending before the competent civil Court of law. It is open to the parties to adjudicate the orders in the manner known to law. However, the name transfer as well as the property tax assessment by the Chennai Corporation is concerned, the petitioner is at liberty to submit a fresh representation as the impugned order has been passed in the year 2012 and nine years lapsed. In the event of receiving any such representation from the petitioner, the respondents 1 and 2 shall consider the same by conducting an enquiry, by affording an opportunity to the writ petitioner and pass appropriate orders on merits and in accordance with law.

5. With the above directions, the writ petition stands disposed of. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

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To

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

2.The Assistant Revenue Officer,
Zone II, Division 23,
Corporation of Chennai, Chennai.

+1cc to the Government Pleader SR.No.39415

WP No.20218 of 2012

GPL(CO)
RVM(03/09/2021)