

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 08-04-2021  
CORAM  
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM  
WP No.9204 of 2018  
And  
WMP No.11025 of 2018

R.Srinivasan

.. Petitioner

vs.

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

2.The Assistant Revenue Officer,  
Zone 15, Sholinganallur,  
Chennai.

3.Themozhi

4.The District Collector,  
Chinglepet,  
Chinglepet District.

(R-4 impleaded suo motu vide  
order of Court in WP 9204 of 2018  
dated 08.04.2021)

..Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent pertaining to assessment of property tax receipt No.2015-16/N15/0240340 dated 01.07.2015 - 14:11:08 issued in the name of third respondent and quash the same and to direct the respondents 1 and 2 to assess the property tax in the name of the petitioner in respect of Plot No.134, 7th Street Jawahar Nagar, Semmancheri, Chennai-600 119.

For Petitioner : Mr.G.T.Subramanian

For Respondents-1&2 : Ms.Karthikaa Ashok,  
Senior Standing Counsel for  
Chennai Corporation.

For Respondent-3 : Mr.P.Bakiyaraj

## ORDER

The writ petition on hand is filed to quash the order dated 01.07.2015, which is property tax receipt issued in the name of the third respondent one Smt.Thenmozhi.

2. The learned counsel for the petitioner states that the petitioner is the owner of the plot No.134 at Jawahar Nagar, Chemmancheri Village. The said Plot was given to the petitioner by the Tambaram Tahsildar and the petitioner further states that she is paying the property tax for the said property from the year 2013 onwards.

3. It is contended that one land grabbing group attempting to grab the property belongs to the petitioner and the property was purchased by the petitioner by way of an unregistered Sale Deed admittedly.

4. This Court is of the considered opinion that these disputed issues with reference to the title of the property can never be adjudicated in the writ petition under Article 226 of the Constitution of India.

5. If at all the petitioner claims that she is the owner of an immovable property, then she has to approach the Competent Civil Court for appropriate relief. But the statement of the petitioner in the affidavit itself creates a doubt, in view of the fact that the petitioner admits that she purchased the property through an unregistered Sale Deed and the property tax was assessed in her name.

6. Contrarily, the respondent-Corporation filed a counter-affidavit, stating that the subject property, a house at Door No.134, Jawahar Nagar, 7th Street, Chemmancheri Chennai-600 119, is being assessed to property in the name of the third respondent. It was based on her possession and production of an unregistered Sale Deed and other documents, the property tax is being collected in the name of the third respondent from the year 2011.

7. Later on, the petitioner had also produced an unregistered Sale Deed document and claims to be the owner of the property. It is further stated in the counter-affidavit that the said subject property belongs to the Government unless the said plot has been assigned by the Government in favour of the third respondent.

8. It is contended that the property taxes are collected for providing service of amenities being enjoyed by the public, including street lights, road etc. Thus, the claim

of the petitioner, cannot be considered unless he could able to establish that he is in possession and enjoyment of the property. It is further stated that the third respondent is in possession as the same is evidenced from the Ration Card, Voter ID Card and Aadhar Card, the property tax is being assessed in her name and therefore, the claim of the petitioner is to be rejected.

9. Reading of the counter-affidavit and the contentions raised in the affidavit by the petitioner reveals that the subject property belongs to the Government and by way of executing certain unregistered documents, people are attempting to grab the Government properties.

10. In this regard, the District Collector is bound to conduct an inspection with reference to the revenue records and find out whether there is an encroachment of Government property or not and in the event of encroachment, the District Collector is bound to institute eviction proceedings by invoking the provisions of the Tamil Nadu Land Encroachment Act, 1905 and evict the encroachers by following the procedures contemplated under the said Act.

11. Contrarily, in the present writ petition, the petitioner states that he is the owner of the property and purchased the property through an unregistered document. Similar claim is made by the third respondent also.

12. The Corporation states that the property belongs to the Government. Thus, the District Collector, Chinglepet, Chinglepet District is suo motu impleaded as the fourth respondent only for the purpose of conducting an inspection of the said property as well as the adjacent property and identify the encroachments and initiate appropriate action under the provisions of the Tamil Nadu Land Encroachment Act, 1905.

13. In view of the fact that the ownership of the petitioner itself is doubtful and the property tax assessment was already made in favour of the third respondent and the third respondent is paying the property tax for many years, the relief, as such, sought for in the present writ petition, cannot be granted. However, it is brought to the notice of this Court that the land belongs to the Government and the encroachers have grabbed the Government property.

14. In this regard, the District Collector, Chinglepet, Chinglepet District is directed to conduct an inspection with reference to the revenue records available and initiate appropriate action by following the procedures contemplated.

15. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn

To

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

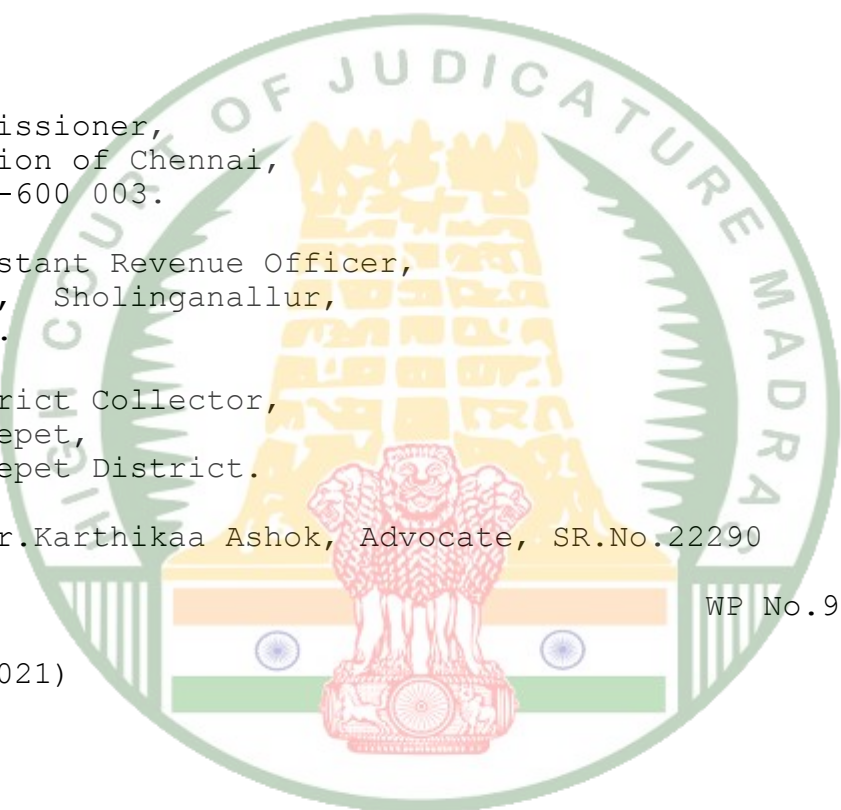
2.The Assistant Revenue Officer,  
Zone 15, Sholinganallur,  
Chennai.

3.The District Collector,  
Chinglepet,  
Chinglepet District.

+1 cc to Mr.Karthikaa Ashok, Advocate, SR.No.22290

PCH(CO)  
NS(04/05/2021)

WP No.9204 of 2018

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red elephant capital. The entire emblem is set against a background of horizontal stripes (orange, white, green) with a red border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circle around the emblem. Below the emblem, the motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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