



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No. 22036 of 2016 and
W.M.P. Nos. 18832 and 21920 of 2016

C.S.Abdul Hakeem

... Petitioner

-vs-

1. The Area Engineer,
Chennai Metropolitan Water Supply and Sewerage Board
Area - II, Anna Park,
Royapuram, Chennai - 600 013.

2. The Revenue Officer,
Corporation of Chennai,
Rippon Buildings,
Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to effect mutation of revenue records in the name of the petitioner in consonance with the final decree in C.S. No. 98 of 1991 on the file of this Hon'ble Court and consequentially direct the respondents to collect the proportionate property tax along with proportionate arrears for the petitioner in respect of premises bearing No.17, New No.29, Stringer Street, Broadway, Chennai - 600 108.

For Petitioner : Mr.H.Mubena Almas

For Respondents : Mr.P.K.Pannerselvam
Standing Counsel for R1
Mr.Karthikea Ashok
Senior Standing Counsel for R2

O R D E R

The relief sought for in the present Writ Petition is to direct the respondents to effect mutation of revenue records in the name of the petitioner in consonance with the final decree passed in C.S. No. 98 of 1991 and consequentially direct the respondents to collect the proportionate property tax along with proportionate arrears for the petitioner in respect of premises



bearing No.17, New No.29, Stringer Street, Broadway, Chennai - 600 108.

2. The learned counsel for the petitioner states that pursuant to the decree passed in C.S. No. 98 of 1991, the subject property was partitioned and the petitioner is in possession and enjoyment of a portion of the property. The property tax assessment was originally made in the name of C.Abdul Razack Sahib and after passing of the final decree, the petitioner submitted an application for mutation of revenue records to include the name of the petitioner enabling him to pay the property tax in respect of the portion in his occupation. The petitioner has submitted the application before the Metro Water Board also.

3. The learned counsel for the petitioner made a submission that in respect of the other person namely K.Asia Bee, the Chennai Corporation has issued a separate property tax demanded notice. As far as the petitioner is concerned, the Corporation has not effected mutation and therefore, the petitioner is deprived of his right of property tax assessment in-consonance with the decree passed by the High Court. In spite of all these facts, the petitioner is regularly paying the water and sewerage tax and the excess payment has already been paid.

4. This being the factum established. The respondents are bound to conduct an enquiry with reference to the documents and evidences made available and take appropriate decision and pass orders in accordance with law by following the procedures. An opportunity is to be provided to the petitioner and also to the other parties who are all connected with the dispute. Such an exercise is directed to be done by the respondents. In this regard, the petitioner is at liberty to submit a fresh application to the respondents along with the documents and evidences within a period of two weeks from the date of receipt of a copy of this order and in the event of filing any such application, the respondents are directed to conduct an enquiry and pass orders on merits in accordance with law and by affording an opportunity to all the parties within a period of twelve weeks from the date of receipt of the copy of the application to be filed by the writ petitioner.

5. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

// True Copy//

Sub Assistant Registrar

vji



To

1. The Commissioner of Commercial Taxes,
The Area Engineer,
Chennai Metropolitan Water Supply and Sewerage Board
Area - II, Anna Park,
Royapuram, Chennai - 600 013.

2. The Revenue Officer,
Corporation of Chennai,
Rippon Buildings,
Chennai.

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PL(CO)
CT(03/09/2021)