

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.8849 of 2019
and
WMP No.9408 of 2019

Smt.R.Rani

..Petitioner

.Vs.

1.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai 600 003.

2.The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai 600 002.

3.The Grievances Redressal and
Facilitation Officer,
Chennai Metropolitan Water Supply and
Sewerage Board,
Chennai 600 002.

4.The Zonal Officer,
Revenue Department,
Zone-V, Chennai Corporation,
Washermanpet, Chennai 600 021.

5.The Revenue Officer,
Corporation of Chennai,
Zone-V, Rippon Buildings,
Chennai 600 003.

6.The Assistant Revenue Officer,
Zone-V, Chennai Corporation,
No.61, Basin Bridge Road,
Washermanpet,
Chennai 600 021.

7.The Area Engineer,
Chennai Metropolitan Water Supply and
Sewerage Board, Egmore,
Chennai 600 008.

8.Sri G.Gopalakrishnan

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 1, 4, 5 and 6 to restore the name of original owner K.Govndasamy Naidu in property tax assessment and consequently directing the respondents 2,3 and 7 not to sanction any order of giving water and sewerage service connection in the name of 8th respondent G.Gopalakrishnan by disconnecting the existing connection stands in the name of K.Duraisamy Naidu at Door No.63, Vadamalai Street, Purasawalkkam, Chennai 600 007, for which the petitioner gave representations to the respondents on 27.02.2019, 28.02.2019 and 06.03.2019.

For Petitioner : Mr.T.V.Krishnakumar

For Respondents : Mrs.Karthika Ashok
Standing Counsel
for R 1, 4, 5 & 6

Mr.Balasingh Ramanujam
for R 8

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondent corporation to restore the name of the original owner in the property tax assessment and cancel the assessment made in the name of the 8th respondent by considering the representation made by the petitioner on 27.02.2019.

2.The learned counsel for the petitioner submitted that the 8th respondent does not have any right or title over the property and the husband of the petitioner is the original owner of the property by virtue of the judgment passed in O.S.No.3247 of 2003. It was further submitted that the 8th respondent had managed to get the property tax assessed in his name and has also obtained the water supply and sewerage connection in his name. According to the learned counsel for the

petitioner, the name of the original owner has to be restored and the tax must be assessed in his name. Accordingly, representations were given and the same was not acted upon and left with no other option, the present Writ Petition has been filed before this Court.

3.The 6th respondent has filed a counter affidavit and the relevant portions in the counter affidavit are extracted hereunder:

"5.It is submitted that the petitioner claims to be the legal heir of the late Govindasamy and on knowing that the Property Tax assessor details needs a rectification, this Respondent officials had approached the Petitioner to provide the details of their claim with regard to the Property. In order to carry out the corrections in the assessment Order, the Petitioner needs to do furnish the Title Deeds and legal heir certificate etc. It is submitted that this Corporation in an inadvertedness had committed an error in not maintaining the records prior to the year 2002, which is regreted and states that which is not willful and wanted.

6.It is submitted that, this Corporation had taken note of the representation of the Petitioner and in its process had already addressed to the Petitioner vide Letter dated 19-03-2019 calling for the documents if any in order to proceed the representation of the Petitioner, but

the Petitioner had not turned up to respond and so in furtherance had even sent a Loan Notice dated 10-06-2019 for enquiry to be held on 20-06-2019 for enquiry to be held on 20-06-2019 and to produce the Documents that are available with the Petitioner. If the Petitioner produces the necessary and required documents, this Respondent Corporation would carry out necessary correction/insertions in the assessment order pertaining to the subject Property. Thus, the representation of the Petitioner will be duly considered in accordance with law."

4.Heard Mr.T.V.Krishnakumar, learned counsel for the petitioner and Mrs.Karthika Ashok, learned Standing Counsel for respondents 1,4, 5 and 6 and Mr.Balasingh Ramanujam, learned counsel appearing on behalf of the 8th respondent.

5.It is clear from the counter affidavit filed by the Corporation and they are willing to consider the representations made by the petitioner and for this purpose, they require the petitioner to appear for the enquiry along with all the relevant documents. In view of the specific stand taken by the Corporation, this Court is inclined to dispose of this writ petition by issuing a direction to the 6th respondent to call the

petitioner and the 8th respondent for an enquiry and they shall give their statements along with all the relevant documents. The 6th respondent shall thereupon take a decision and pass suitable orders. This process shall be completed by the 6th respondent within a period of eight weeks from the date of receipt of copy of this order.

6.The petitioner is directed to make a fresh representation to the 6th respondent along with all the relevant documents and also a copy of this order.

7.This writ petition is disposed of with the above directions.
No costs. Consequently, connected miscellaneous petition is closed.

04.08.2021

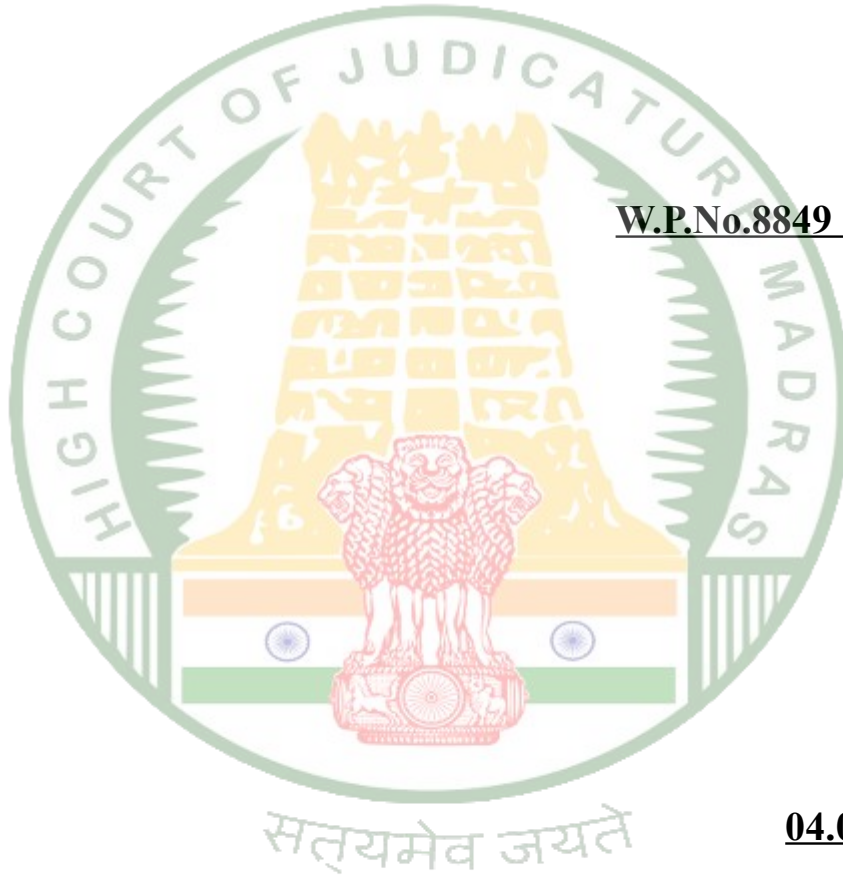
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To

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N. ANAND VENKATESH, J.



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