

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.NO.10178 OF 2019

AND

W.M.P.NO.10740 OF 2019

(THROUGH VIDEO CONFERENCING)

Porur People Welfare Association
rep. by its Treasurer Mr.M.Madan,
25, Vannier Street, Porur,
Chennai - 600 116.

... Petitioner

.Vs.

1. The Principal Secretary,
Municipal Administration and Water
Supply Department,
Secretariat, Chennai - 600 009.

2. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai - 600 003.

3. The Commissioner of Municipal
Administration,
Chepauk, Chennai - 600 005.

4. The Regional Deputy Commissioner (South),
115, Dr.Muthulakshmi Salai,
Adyar, Chennai - 600 020.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents to re-examine and revise the enhancement of the property tax as implemented in the Porur Petitioners area by taking into account of the other core areas and neighbouring areas and to re-fix the amount by correct calculation of arriving the property tax and to levy the taxes.

For Petitioner : Mr.K.M.Subrahmaniam
For R1, R3 & R4 : Mr.M.Alagu Goutham,
Government Advocate
For R2 : Mrs.Karthikaa Ashok
Senior Standing Counsel

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus to direct the respondents to re-examine and revise the enhancement of the property tax as implemented in the Porur area (area of the petitioner) by taking into account of the other core areas and neighbouring areas and to re-fix the amount by correct calculation of arriving the property tax and to levy the taxes.

2. The learned counsel for the petitioner Porur People Welfare Association submits that the exercise carried out by the respondents in terms of G.O. (Ms) No.73, Municipal Administration and Water Supply (MA.IV) Department, dated 19.07.2018 and G.O. (Ms) No.76, Municipal Administration and Water Supply (MA.IV) Department, dated 26.07.2018 is arbitrary and therefore is liable to be interfered with.

3. It is the case of the petitioner that the second respondent Corporation has considered core areas and the newly added areas as same and there is a huge disparity in the levy of property taxes. It is submitted that for the newly added areas of the second respondent Corporation, like the area covering the members of the petitioner Association, the second respondent Corporation has fixed the street rate instead of levying other method of calculation of property taxes followed by the erstwhile urban local bodies.

4. Opposing the prayer of the petitioner, the learned Senior Standing Counsel for the second respondent submits that G.O. (Ms) No.73, Municipal Administration and Water Supply (MA.IV) Department, dated 19.07.2018 and G.O. (Ms) No.76, Municipal Administration and Water Supply (MA.IV) Department, dated 26.07.2018 have been suspended in terms of G.O.Ms.No.150, Municipal Administration and Water Supply (MA.IV) Department, dated 19.11.2019 and therefore, there is no merits in the present Writ Petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the first, third and fourth respondents and the learned Senior Standing Counsel for the second respondent.

6. Since the G.O. (Ms) No.73, Municipal Administration and Water Supply (MA.IV) Department, dated 19.07.2018 and G.O. (Ms) No.76, Municipal Administration and Water Supply (MA.IV) Department, dated 26.07.2018 have been suspended vide G.O.Ms.No.150, Municipal Administration and Water Supply (MA.IV) Department, dated 19.11.2019 and a permission has been accorded to constitute a new committee to re-examine the representations received from the various public for revision of property tax, this Writ Petition stands disposed by directing the respondents to consider the representation of the petitioner in the light of the steps taken by the Government in terms of G.O.Ms.No.150, Municipal Administration and Water Supply (MA.IV) Department, dated 19.11.2019. No cost. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
Municipal Administration and Water Supply Department,
Secretariat, Chennai - 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.
3. The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.
4. The Regional Deputy Commissioner (South),
115, Dr.Muthulakshmi Salai,
Adyar, Chennai - 600 020.

+1cc to Mrs.Karthikaa Ashok, Advocate, S.R.No.63052

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SSI(CO)
PM/12/01/2022