

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.11891 of 2022
and
W.M.P.No.11321 of 2022

Dr.B.K.Mohideen

... Petitioner

Vs

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.
2. The Assistant Revenue Officer,
Zonal Office IX,
Corporation of Chennai,
No.1, Lake Area, 4th Cross Street,
Nungambakkam, Chennai - 600 034.
- 3.Nasreen Mohideen
- 4.Lubna Syed
- 5.E.Daulath Banu
- 6.Sana Wasif
(Minor)
- 7.Matheen Wasif
(Minor)
Respondents 6 & 7 represented by their
Mother and Natural Guardian E.Daulath
Banu Respondent No. 5

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records in respect of the impugned order dated 25.09.2021 issued by the second respondent, quash the same and direct the second respondent to issue an assessment order in favour of the petitioner in respect of premises bearing Old No.24, New Door No.12, Kareem Subedhar Street, Royapettah, Chennai - 600 014 which is under the possession of the petitioner in her capacity as the legal heir of her husband late K.K.Mohideen.

For Petitioner : Mr.V.Parthiban

For Respondents
For R1 & R2 : Mrs.P.T.Ramadevi
Standing Counsel

ORDER

Mrs.P.T.Ramadevi, learned standing counsel takes notice on behalf of the first and second respondents.

2. This is the third round of litigation before this Court by the petitioner.

3. Earlier, the petitioner filed a writ petition in W.P.No.6774 of 2016. The said writ petition was filed with the following relief:-

"To direct the official respondents 1 to 2 to obtain necessary report from the Wakf Board or Wakf Inspector of the concerned area and take a reasoned decision with respect to the claim of the petitioner as per the directions of this Court in W.P.No.7257 of 2016 dated 17.03.2016 and communicate the same to the petitioner in respect of premises bearing old No.24, New Door No.12, Kareem Subedhar Street, Royapettah, Chennai - 600 014."

4. After noting the circumstances of the case, by an order dated 02.06.2021, this Court ordered as follows:-

"14. Since assessment for the property is contrary to the order passed by this Court in W.P.No.7257 of 2016 vide order dated 17.03.2016, I am inclined to dispose this writ petition. The second respondent is therefore directed to pass appropriate orders in compliance of the directions of this Court in W.P.No.7257 of 2016 vide order dated 17.03.2016, within a period of eight weeks from the date of receipt of a copy of this order. Needless to state, before passing such order, the petitioner and constesting respondent shall be heard.

15. Accordingly, this Writ Petition is disposed. No cost. Consequently, connected Miscellaneous Petition is closed."

5. The second respondent has thereafter passed the impugned order dated 25.09.2021. The impugned order is now challenged on the ground that the second respondent has passed an erroneous order. It is submitted that the impugned order recorded that

the petitioner has not produced any documents though they were produced. There are several disputed questions of facts to the ownership over the property. This Court cannot be converted into an Appellate Tribunal under Article 226 of the Constitution of India. The petitioner has an alternate remedy before the Taxation Appellate Tribunal under the provisions of the Chennai City Municipal Corporation Act, 1919 .

6. Considering the above, I am not inclined to entertain this writ petition. However, Liberty is given to the petitioner to workout his remedy before the Taxation Appellate Tribunal.

7. This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.
2. The Assistant Revenue Officer,
Zonal Office IX,
Corporation of Chennai,
No.1, Lake Area, 4th Cross Street,
Nungambakkam, Chennai - 600 034.

+1cc to Mrs.P.T.Ramadevi, Advocate, S.R.No.32418
+2cc to Mr.V.Parthiban, Advocate, S.R.No.32293
+1cc to the Government Pleader, S.R.No.33602

W.P.No.11891 of 2022
and
W.M.P.No.11321 of 2022

MT(CO)
CT/13/07/2022