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W.P.No.31495 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31495 of 2022

Rajathi Ammal

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by Commissioner of Municipal Administration,
No.78, Urban Administration Building,
Santhome High Road,
Chennai – 600 028.

2.Corporation of Chennai,
Represented by Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai – 600 003.

3.The Revenue Divisional Officer,
Greater Corporation of Chennai,
Zone – 08, Ward No.12,
Anna Nagar, Chennai – 600 040.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to consider the petitioner's representation dated 22.10.2022 and further direct the 3rd respondent to conduct the survey in property found in T.S.No.19 part of Ayanavaram Village, Block No.12, situated at No.8(28/1) 28/2, M Block, 10th Street, M-Block, Anna Nagar East, Chennai – 600 040, within stipulated time fixed by this Court.

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For Petitioner : Mr.Premkumar

For Respondents : Ms.R.L.Karthika for R1
Government Advocate

: Ms.Aswini Devi for R2 & R3
Standing Counsel for Chennai Corporation

ORDER

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus, to direct the 3rd respondent to consider the petitioner's representation dated 22.10.2022 and further direct the 3rd respondent to conduct the survey in property found in T.S.No.19 part of Ayanavaram Village, Block No.12, situated at No.8(28/1) 28/2, M Block, 10th Street, M-Block, Anna Nagar East, Chennai – 600 040.

2.The case of the petitioner is that the aforesaid property was self acquired property of the petitioner's husband and he died intestate leaving behind his wife and daughter as his legal heirs to the aforesaid property. While so, as per the Bill No.08-101-03741-000, 3rd respondent had calculated the property tax for the above said property to an extent of 1100 Sq.ft., whereas, the scheduled property is to an extent of 600 Sq.ft and 150

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Sq.ft. mistakenly assessed high property tax for half yearly for the year 2022-2023. The 3rd respondent without the proper measurement of the aforesaid property assessed high property tax. In the above said circumstances, the petitioner gave an representation dated 22.10.2022 to the 3rd respondent to survey the aforesaid property. However, till date no order was passed on the said representation. As the said representation made by the petitioner has evoked no response, the petitioner has filed this present Writ Petition.

3.The learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondent to consider the petitioner's representation dated 22.10.2022 to survey the property found in T.S.No.19 part of Ayanavaram Village, Block No.12, situated at No.8(28/1) 28/2, M Block, 10th Street, M-Block, Anna Nagar East, Chennai – 600 040 and pass orders on the same within a particular time frame fixed by this Court.

4.Ms.Aswini Devi, learned Standing Counsel for Chennai Corporation appearing for the 2nd and 3rd respondents submits that if any direction is given by this Court, the same will be complied with.

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5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 3rd respondent to consider the petitioner's representation dated 22.10.2022, on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6. This Writ Petition is accordingly is disposed of. No costs.

25.11.2022

gba

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The Commissioner of Municipal Administration,
for the State of Tamil Nadu,
No.78, Urban Administration Building,
Santhome High Road,
Chennai – 600 028.

2.The Commissioner,
for the Corporation of Chennai,
Greater Chennai Corporation,
Ripon Building, Chennai – 600 003.

3.The Revenue Divisional Officer,

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Greater Corporation of Chennai,
Zone – 08, Ward No.12, Anna Nagar, Chennai – 600 040.

M.DHANDAPANI,J.

gba

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25.11.2022