



WEB COPY



W.P.No.4606 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2023

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.4606 of 2023
and
W.M.P.No.4613 of 2023

M/s.Ampa Housing Development Private Limited,
Rep. by its Managing Director,
New No.349 - 357,
Periyar EVR Salai,
Aminjikarai, Chennai - 600 029.

... Petitioner

Vs.

The Revenue Officer,
Corporation of Chennai,
No.36B, Pulla Avenue,
Aminjikarai, Chennai - 600 030.

... Respondent

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of mandamus, directing the respondent to waive off an amount of Rs.86,64,306/- (Rupees Eighty Six Lakhs Sixty Four Thousand Three Hundred and Six Only) in the property tax of the petitioner bearing No.08-101-7-05427-000/05-067-0008-001 in respect of the petitioner property, AMPA Skywalk Mall building and premises situated on land bearing Survey Nos.3/2, 3/3, 3/4, 3/5, 3/6 and 4/11, Vadagaram



W.P.No.4606 of 2022

Village in Door No.627, Poonamallee High Road, Aminjikarai, Chennai - 600 029 for the first and second half of the year 2022-23 i.e., 01 April 2022 to 31st March, 2023.

For Petitioner : Mr.E.Hariharan
For Respondent : Ms.Aswini Devi K.
Standing Counsel
Greater Chennai Corporation

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondent to waive off the amount of Rs.86,64,306/- towards property tax in respect of property occupied by the petitioner in AMPA Skywalk Mall building and premises situated on land bearing Survey Nos.3/2, 3/3, 3/4, 3/5, 3/6 and 4/11, Vadagaram Village in Door No.627, Poonamallee High Road, Aminjikarai, Chennai - 600 029 for the first and second half of the year 2022-23 i.e., from 01.04.2022 to 31.03.2023.

2. Ms.Aswini Devi.K, learned Standing Counsel accepts notice on behalf of the respondent. By consent of both the parties, this writ petition is taken up for final disposal in the admission stage itself.

3. Heard, Mr.E.Hariharan, learned counsel for the petitioner and



W.P.No.4606 of 2---

Ms.Aswini Devi.K, learned Standing Counsel appearing for the respondent.

WEB COPY

4. The petitioner has submitted a representation on 18.04.2022 to the respondent seeking for vacancy remission as per section 105 of the Chennai City Municipal Corporation Act, in respect of the aforementioned property as they claim that the property is lying vacant on account of the renovation work. The vacancy remission sought for by the petitioner is for the period of the first and second half of the year 2022-2023 ie., from 01.04.2022 to 31.03.2023, for which the respondent has demanded a sum of Rs.86,64,306/-. Till date, the representation of the petitioner dated 18.04.2022 has not been considered by the respondent.

5. No prejudice would be caused to the respondent, if the petitioner's representation as stated supra is considered on merits and in accordance with law within a time frame to be fixed by this Court.

6. This Court is of the considered view that four weeks time will suffice for the respondent to pass final orders on the petitioner's representation dated 18.04.2022.

7. For the foregoing reasons, this court directs the respondent to pass



W.P.No.4606 of 2022

WEB COPY

final orders on merits and in accordance with law on the petitioner's representation dated 18.04.2022 seeking for vacancy remission as per the provisions of section 105 of the Chennai City Municipal Corporation Act in respect of the property in AMPA Skywalk Mall building and premises situated on land bearing Survey Nos.3/2, 3/3, 3/4, 3/5, 3/6 and 4/11, Vadagaram Village in Door No.627, Poonamallee High Road, Aminjikarai, Chennai - 600 029 for the first and second half of the year 2022-23 i.e., from 01.04.2022 to 31.03.2023 within a period of four weeks from the date of receipt of a copy of this order. Till the final orders are passed, no coercive steps shall be taken by the respondent against the petitioner.

8. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

16.02.2023

nl

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No

To

4/6



W.P.No.4606 of 2017

The Revenue Officer,
Corporation of Chennai,
No.36B, Pulla Avenue,
Aminjikarai, Chennai - 600 030.



WEB COPY



W.P.No.4606 of 2023

ABDUL QUDDHOSE. J.,

nl

W.P.No.4606 of 2023

16.02.2023