



W.P.No.13399 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.13399 of 2022

and

W.M.P.Nos.12621, 12623 & 12624 of 2022

Dhanvantra Healthcare Private Limited,
Represented by its Authorized Signatory,
NH 45, Trichy Chennai National Highway,
Next to Samayapuram Toll Plaza,
Samayapuram Post,
Trichirapalli – 621 112.

.. Petitioner

Vs.

1.The Greater Chennai Corporation,
Represented by its Commissioner,
Ripon Buildings,
Chennai – 600 003.

2.The City Revenue Officer,
Greater Chennai Corporation,
Ripon Buildings,
Chennai – 600 003.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorari, calling for the records of the respondent in
its notice dated 18.05.2022 issued with respect to property tax Bill No.
09-121-01219-000 and quash the same.



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W.P.No.13399 of 2022

For Petitioner : Mr.Abishek Jenasenan
For Respondents : Mr.E.C.Ramesh
Standing Counsel for Corporation

ORDER

The petitioner is challenging the impugned notice of the respondent dated 18.05.2022 in the Writ Petition.

2.The petitioner purchased a property from M/s.Ferdous Hotels Pvt. Ltd directly by a registered sale deed dated 08.04.2022 registered document No.1357 of 2022 on the file of the Sub-Registrar's Office, Mylapore. The aforesaid owner of the property had borrowed money from Indian Overseas Bank and had defaulted in repaying the amounts. Therefore, the Accounts of the said company was declared as a Non-performing Assets within the meaning of The SARFAESI Act, 2002.

3.The said company appears to have been in arrears of Property Tax under the provisions of The Chennai City Municipal Corporation Act, 1919. The petitioner purchased the aforesaid property from the said Company without factoring the arrears of Property Tax under the



W.P.No.13399 of 2022

provisions of The Chennai City Municipal Corporation Act, 1919 by the said M/s.Ferdous Hotels Pvt. Ltd.

4.As per the provisions of The Chennai City Municipal Corporation Act, 1919, the respondent Corporation have the first charge over the property for the tax due in terms of Section 103 of The Chennai City Municipal Corporation Act, 1919.

5.Therefore, there is no doubt that the petitioner is liable to pay the arrears of Property Tax which had remained unpaid by the previous owner / vendor of the petitioner viz., M/s.Ferdous Hotels Pvt. Ltd.

6.The respondents have demanded a sum of Rs.2,47,25,902/-, towards the arrears of Property Tax due from the said M/s.Ferdous Hotels Pvt. Ltd. and from the petitioner upto first half of 2022-2023. However, there are no details in the said demand notice as to how the said amount was arrived at.

7.It was incumbent on the part of the petitioner to have verified the same and obtained a due diligence report before purchasing the property.



The Court is however inclined to grant a partial relief to the petitioner at this stage by allowing the petitioner to file a representation with all its queries to the respondents within a period of 30 days from the date of receipt of a copy of this order together with a deposit sum of Rs.50,00,000/- (Rupees Fifty Lakhs Only), within a period of 90 days from the date of receipt of a copy of this order. The respondents shall thereafter proceed to dispose of the representation within a period of 30 days thereafter by giving the particulars of the arrears of Property Tax that was due from M/s.Ferdous Hotels Pvt. Ltd. The petitioner shall thereafter pay the balance amount after adjusting the amount of Rs.50,00,000/- (Rupees Fifty Lakhs Only) directed to be paid by the petitioner in terms of this order of this Court.

8.In case, there is excess payment, the same shall be refunded / adjusted in accordance with law. Entire exercise shall be completed within a period of 120 days from the date of receipt of a copy of this order. Subject to payment to the above compliance, the respondents shall keep all recovery proceeding in abeyance.



W.P.No.13399 of 2022

9.The Writ Petition is disposed of with the above observations.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

22.09.2023

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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Chennai – 600 003.

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W.P.No.13399 of 2022

C.SARAVANAN, J.

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W.P.No.13399 of 2022

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