



W.P.No.17931 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.06.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.17931 of 2023
and WMP No.17086 of 2023

U.Parthan

... Petitioner

Vs

1.Assistant Revenue Officer,
Revenue Department, Zone-10,
Greater Chennai Corporation,
No.117, N.S.K Road,
Kodambakkam,
Chennai-600 024.

2.Anser Begum

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing No.10-141-02543-000 pertaining to the Flat Nos.7 and 9 of the Apartment called "Ezhumalai Apartments" comprised in Survey No.162/11, T.S No.5696 present T.S No.8838, part of Block No.129, situated in Madley Road, T.Nagar, Chennai from the petitioner's name.

For Petitioner : Mr.P.Sesubalan Raja

For Respondents : Ms.Aswini Devi (for R1)



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ORDER

Ms.Aswini Devi, learned Standing Counsel accepts notice for R1

and is armed with necessary instructions to enable a final disposal of this matter, even at the stage of admission. In light of order that is proposed to be passed in this matter, no notice is thought necessary to R2.

2. The petitioner, an individual, claims to be the owner of the property at Flat Nos.7 and 9 of Ezhumalai Apartments in Survey No.162/11, T.S No.5696 present T.S No.8838, part of Block No.129, situated in Madley Road, T.Nagar, Chennai ('property'/'property in question'), he seeks a mandamus forbearing the first respondent, being the Assistant Revenue Officer, Greater Chennai Corporation from transferring the property tax assessments of the aforesaid property to the name of the second respondent.

3. Though the petitioner has set out some facts in relation to how he claims ownership to the property in question, he has filed a representation/objection petition dated 09.05.2023, which, learned Standing Counsel for R1 states, has been received by R1 and is pending disposal. He relies on a judgment of the Hon'ble Supreme Court in the case of *Suraj Lamp and Industries Pvt. Ltd. V. State of Haryana and*

ors. (AIR 2012 SC 206).



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4. Since the identical relief as sought for in this Writ Petition is pending adjudication before R1 and as the adjudication itself is dependant on an appreication of various factual aspects of the matter, it is best that R1 take a view in regard to the prayer after hearing both the petitioner as well as R2.

5. For this purpose, let notice be issued by R1 to the petitioner as well as R2 fixing a date for personal hearing. Let a copy of the representation dated 09.05.2023 be furnished to R2 as well soliciting her response.

6. After hearing both parties and considering the materials, if any, submitted, R1 shall pass orders disposing the objections/representation of the petitioner dated 09.05.2023, in accordance with law, within a period of twelve (12) weeks from date of receipt of a copy of this order.

7. This Writ Petition is disposed as above. No costs. Connected Miscellaneous Petition is closed.

sl

20.06.2023

Index : Yes / No

Speaking/non-speaking Order

Neutral citation:Yes/No



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To

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Dr.ANITA SUMANTH,J.

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