IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **12.03.2024**

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P.No.6428 of 2024
and W.M.P.No.7147 of 2024

The South Indian Film
Chamber of Commerce
Represented by its Honorary
Secretary T.A.Arulpathy
No.438/1, (605 and 606),
T.R.Sundaram Avenue,
Phase I, 4th Floor,
Thousand Lights,
Chennai 600 006. ... Petitioner

-vs-

1.The Commissioner,
Greater Chennai Corporation,
No.53, Rajamuthiah Road,
Kannappar Thidal,
(Rippon Building,)
Periamet, Chennai 600 003.

2.The Revenue Officer,
Greater Chennai Corporation,
No.53, Rajamuthiah Road,

Kannappar Thidal,
(Rippon Building,)
Periamet, Chennai 600 003.

3.The Assistant Revenue Officer,
Corporation of Chennai
Zonal Office IX
No.1, Lake Area, 4th Cross Street,
Nungambakkam,
Chennai 600 034.

4.The District Revenue Officer
And Zonal Officer, Zonal Office IX,
Greater Chennai Corporation,
Nungambakkam, Chennai 34. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari, calling for the records leading to the impugned order passed by the 4th respondent in Z.O.IX.R.D.C.No.R1/7079-2/2023 dated 27.02.2024 and quash the same and consequently direct the respondents to assess the property tax based on the basic street rate fixed for T.R.Sundaram Avenue.

For Petitioner : Mr.C.Jagadish

For Respondents : Mr.P.Prithvi Chopda, SC (Corpn.)

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ORDER

An order dated 27.02.2024 of the District Revenue Officer and Zonal Officer, Zonal Office 9 of the Greater Chennai Corporation is under challenge. The petitioner is a society registered under the Tamil Nadu Societies Registration Act, 1975. The society asserts that an immovable property is vested in accordance with the above enactment. According to the petitioner, the property is situated at T.R.Sundaram Avenue and not at Anna Salai. Consequently, when the basic street rate applicable to Anna Salai was sought to be applied, the petitioner submitted several representations. Thereafter, the petitioner approached this Court by challenging the provisional assessment order dated 09.09.2022. By order dated 07.11.2023, the provisional assessment order was quashed and the matter was remanded for re-consideration. Pursuant to such order, after submitting representations on 22.11.2023 and 13.12.2023, the order impugned herein was issued on 27.02.2024.

2. Learned counsel for the petitioner invited my attention to the impugned order and pointed out that the order refers to Rule 262(2)(b) of the Tamil Nadu Urban Local Bodies Rules, 2023. According to learned counsel, the said rule requires that the basic street rate be determined on the basis of the land registration document. By referring to the sale deed dated 12.12.1957, learned counsel submits that the said document should be read as a whole and that if the schedule of the sale deed is taken into consideration, it would be evident that the property opens on the east through a 40 feet road, which is currently called as T.R.Sundaram Avenue.

3. Mr.P.Prithvi Chopda, learned standing counsel, accepts notice on behalf of the respondents. By referring to Rule 262(2)(b) of

the above mentioned rules, he submits that the basis of fixing the basic street rate is the land registration document. According to him, the land registration document indicates clearly that the Door Number is 122, Mount Road. He further submits that the petitioner's property was assessed on the basis that it is situated at Anna Salai and not on T.R.Sundaram Avenue prior to the general revision. Therefore, he contends that there is no infirmity in the impugned order.

4. The dispute turns largely on the interpretation of Rule 262 read with the Explanation thereto. The said Rule is set out below:

> "***262. Method of assessment of property tax***. -
> *(1) Every building shall be assessed together with its site and other adjacent premises occupied as an appurtenance thereto unless the owner of the building is a different person from the owner of such site or premises.*
>
> *(2)(a) The annual value of the lands,*

buildings and storage structures shall be deemed to be the gross annual rent at which they may reasonably be expected to be let out from month to month or year to year, subject to a ten percent deduction of that portion of such annual rent which is attributable to the building or storage structure alone apart from their sites and adjacent lands occupied as an appurtenance thereto; and the said deduction shall be in lieu of all allowances for repairs or on any other account as per section 83 of the Act.

(b) The rental values of lands, buildings and storage structures shall be as per the basic zonal values as calculated by the municipality and approved by the Council.

Explanation.- *For the purpose of this rule, 'basic zonal value' shall be read as 'basic street rate' in the case of Chennai City Municipal Corporation, the street of the land, building or storage structure for the purposes of assessment of property shall be as recorded in the land registration document."*

5. From the Explanation to Rule 262, it follows that the basic street rate should be determined with reference to the land registration document. It is needless to say that such land registration document should be read as a whole by also taking into account the schedule thereto. In addition, learned counsel for the petitioner has relied on the planning permission granted by the CMDA by treating the property as a property situated at T.R.Sundaram Avenue.

6. The operative portion of the impugned order is as under:

> *"In this connection, it is submitted that as per CCMC Act, 1919 so far levy of property tax is fixed on the Basic Street rate as per the street mentioned in the registered document. As per the TNULB Act 1998 and with rules 262(2)(b) of 2023 the Method of Assessment of property tax*

explains that ***"For the purpose of this rule, 'basic zonal value' shall be read as 'basic street rate' Chennai City Municipal Corporation, the street of the land, building or storage structure for the purposes of assessment of property shall be as recorded in the land registration document***."

7. The above extract indicates that the District Revenue Officer extracted the Explanation to Rule 262 and thereafter recorded the conclusion that the basic street rate was fixed with reference to Anna Salai since the sale deed refers to the property as bearing Door No.122, Mount Road (Anna Salai).

8. Thus, the impugned order does not consider the submissions of the petitioner that the sale deed should be read as a whole by also taking into account the schedule thereto. It also does not deal with the submission that the plan sanction should also be taken into account while determining the street with reference to which basic

street rate should be determined. For all these reasons, the impugned order calls for re-consideration.

9. Therefore, the impugned order is quashed and the matter is remanded for re-consideration by the District Revenue Officer / fourth respondent. The fourth respondent is, therefore, directed to provide a reasonable opportunity to the petitioner, including a personal hearing, and thereafter issue a fresh speaking order within a maximum period of ***four weeks*** from the date of receipt of a copy of this order.

10. W.P.No.6428 of 2024 is disposed of on the above terms. No costs. Consequently, W.M.P.No.7147 of 2024 is closed.

12.03.2024

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Index : Yes / No
Internet : Yes / No

Neutral Citation: Yes / No

To

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