IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.16830 of 2022

S.Ravichandran .. Petitioner

vs

1.The Branch Manager
Indian Overseas Bank,
DPI Campus, N.No.53, College Road,
Nungambakkam, Chennai - 6.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai - 600 003.
(R2 suo motu impleaded vide
order dated 28.08.2023 made
in WP No.16830/2022 by NSSJ) .. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent to transfer the amount standing in the credit of Subramaniam Educational Trust directly to the account of Revenue Officer, Corporation of Chennai.

For Petitioner : Mr.V.Jayakumar

For Respondents : Ms.V.Rajeswari
for R1
Mr.Rahul Aditya
for M/s.P.T.Ramadevi
Standing Counsel

ORDER

The petitioner is a Life Trustee of Subramaniam Educational Trust and has sought a mandamus directing respondent, the Bank Manager, Indian Overseas Bank to transfer the amount of Rs.11 lakhs (approx) to the credit of Revenue Officer Corporation of Chennai for settlement of admitted property tax arrears.

2. On the earlier occasion, my predecessor had passed the following order:-

> *"This court, now suo motu impleads the Commissioner, Greater Chennai Corporation, as the second respondent in the writ petition.*
>
> *2.Ms.P.T.Ramadevi, learned standing counsel takes notice for the second respondent, namely the Greater Chennai Corporation and seeks time to get instructions.*
>
> *3.This court is informed by the petitioner that one of the Trustees, who was authorised to operate the bank account of the Trust has passed away, and the Corporation, on its part has sealed the premises (where the Trust office was housed), for non-payment of property tax. The learned counsel submits that if property tax can be paid, at least the building could be opened.*
>
> *4.This court, now requires the second respondent to come out with the details of the bank account to which the bank may either transfer funds, or draw its banker's cheque for the total arrears of the property tax required to be payable for the premises in question. In the meantime, the petitioner is also required to approach the bank to establish that such of the Trustees of the petitioner's Trust who are now in charge of the Trust.*
>
> *5.Post the matter under the caption "For Orders" on 07.09.2023."*

3. Today, learned counsel for the petitioner states that it is only the present petitioner, who is the sole trustee as the other trustees have also passed away.

4. Be that as it may, the petitioner has not disputed the pending arrears towards property tax, and agrees that the Trust was maintaining a bank account with the respondent bank that presently has a balance of Rs.29 lakh (approx). This position is also confirmed at paragraph 6 of R1 / bank counter dated 07.09.2022.

5. In view of factual position as above, there is a direction to R1 to transfer the amount of Rs.11,51,349/-, being property tax arrears to the account of the Revenue Officer Corporation of Chennai, and to the credit of the petitioner Trust for settlement of the property tax arrears.

6. This writ petition stands disposed in terms of this order. No costs.

18.01.2024

Index:Yes/No
Neutral Citation:Yes/No
ssm
To
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2.The Commissioner,
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DR. ANITA SUMANTH,J.

ssm

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