



W.P.No.2864 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.2864 of 2025

Sridevi Selvan

...Petitioner

-Vs-

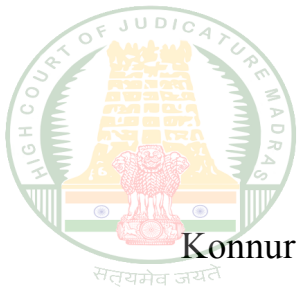
1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.

2.The Senior Revenue Officer,
Revenue Department,
Zone-8, Greater Chennai Corporation,
36B, Pulla Avenue, Shenoy Nagar,
Chennai – 600 030.

3.Mrs.Rajinibai

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings of the 2nd respondents in Ma.A.8.Va.Thu.Na.Ka.No.R2/2358/2024 dated 25.09.2024, quash the same and direct the 2nd respondent to effect assessment of property for the property being land and building situated at Old Door Nos.149/9/3, 216, New Door No.216/1, Parasurama Easwaran Koil West Mada Street,



W.P.No.2864 of 2025

Konnur High Road, Ayanavaram, Chennai – 600 023, in the name of the petitioner and pass such further orders.

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For Petitioner : Mr.K.V.Sajeevkumar
For R1 & R2 : M/s.K.Aswinin Devi,
Standing Counsel
For R3 : Mr.S.Jithendran

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings of the 2nd respondents in Ma.A.8.Va.Thu.Na.Ka.No.R2/2358/2024 dated 25.09.2024, quash the same and directing the 2nd respondent to effect assessment of property for the property being land and building situated at Old Door Nos.149/9/3, 216, New Door No.216/1, Parasurama Easwaran Koil West Mada Street, Konnur High Road, Ayanavaram, Chennai – 600 023.

2. The case of the petitioner is that she along with her husband, Mr. Daniel John Wilson are the absolute owners of the property being land and building situated at Old Door Nos.149/9/3, 216, New Door No.216/1, Parasurama Easwaran Koil West Mada Street, Konnur High Road,



W.P.No.2864 of 2025

Ayanavaram, Chennai-600023, comprised in T.S. No. 47/1 (T.S. No. 47/6 as per Old Patta), New Subdivided T.S. No. 47/52, Block No.9 of Ayanavaram Village, Ayanavaram Taluk, Chennai District, land measuring an extent of 240 sq.ft., with a superstructure consisting of 2 shop portions of 120 sq.ft. each on the ground floor and the residential building in the first floor, having purchased the same from its previous lawful owner, Mr.L.Rohan Naravate, by way of a registered sale deed Document No.3520 of 2024 dated 09.07.2024. The said property forms part of a larger extent of land measuring 871 square feet (as per Patta, 863 square feet) together with the building constructed therein originally belonging to one Mrs.Krishnabai.

3. The westernmost part of the property was settled to and in favor of Vijayalakshmi's son, Rohan Naravate, by way of a settlement deed dated 16.03.2011, which was duly registered as Document No.1000/2011 in the Sub-Registrar Office (SRO), Anna Nagar. Following this settlement, the said Rohan Naravate subsequently sold the aforementioned property to the petitioner and her husband through a sale deed dated 09.07.2024, which was registered as Document No.3520 of 2024 in the SRO, Anna Nagar. Thereafter, the petitioner approached the concerned officials of the Corporation of Chennai seeking for transfer of property tax assessment in her



W.P.No.2864 of 2025

name.

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4. While being so, the petitioner received the communication of the 2nd respondent in Ma.A.8.Va.Thu.Na.Ka.No.R2/2358/2024 dated 25.09.2024, through which it is stated that there is a civil suit in O.S.No.9387 of 2024 filed by Mrs.Rajinibai pending and till disposal of the said case, property tax assessment cannot be made in the name of the petitioner. Aggrieved by the same, the petitioner has come up with the present writ petition.

5. Learned counsel appearing for the petitioner submits that there was no such civil suit pending before the City Civil Court, Chennai in O.S.No.9387 of 2024 as on the date of the communication dated 25.09.2024. Further, no notice whatsoever was received by the petitioner till date regarding the case O.S.No.9387 of 2024. In any case, there is no restraining order by any Court has been produced by Mrs.Rajinibai to refute the lawful claim made by the petitioner.

6. It is submitted that mere pendency of a case cannot be a reason to reject the petitioner's lawful application for property tax assessment based on the lawful document through which she has obtained the property. Therefore,



W.P.No.2864 of 2025

the communication dated 25.09.2024 made by the 2nd respondent is unsustainable.

7. It is further submitted that the said number provided by Mrs.Rajinibai appears to be the filing SR number for a case. The suit appears to have been filed on 20.08.2024 and remains at the filing stage till date. The contents of the suit are neither known to the petitioner nor to the 2nd respondent. In such scenario, even without ascertaining the contents of the alleged civil suit and in the absence of any order by Court of law, the act of the 2nd respondent in refuting the claim of the petitioner citing the pendency of the suit is unlawful and unsustainable.

8. Learned counsel appearing for the petitioner would submit that the 2nd petitioner has already filed the suit in O.S.No.7093 of 2024 on the file of the III Assistant, City Civil Court, Chennai, directing the defendants to vacate and hand over vacant possession of the schedule B property, i.e. Southern Side Shop Portion measuring 120 sq.ft., located at Old Door Nos.149/9/3, 216, New Door No.216/1, Parasurama Easwaran Koil West Mada Street, Konnur High Road, Ayanavaram, Chennai – 600 023, comprised in T.S.No.47/1, Block No.9, Ayanavaram Village, Ayanavaram



W.P.No.2864 of 2025

Taluk, Chennai District, and the same is in written statement stage. He further submitted that another suit has also been filed by the 3rd respondent before the III Assistant, City Civil Court, Chennai, which is yet to be numbered.

9. Learned counsel appearing for the 3rd respondent would then place reliance on the judgment passed by the Hon'ble Supreme Court of India in the case of **K.D.Sharma Vs. Steel Authority of India Ltd. and Ors.** reported in **MANU/SC/3371/2008** in **Civil Appeal No.4270 of 2008** dated 09.07.2008, which held as follows:

“24. The jurisdiction of the Supreme Court under Article 32 and of the High Court under Article 226 of the Constitution is extraordinary, equitable and discretionary. Prerogative writs mentioned therein are issued for doing substantial justice. It is, therefore, of utmost necessity that the petitioner approaching the Writ Court must come with clean hands, put forward all the facts before the Court without concealing or suppressing anything and seek an appropriate relief. If there is no candid disclosure of relevant and material facts or the petitioner is guilty of misleading the Court, his petition may be dismissed at the threshold without considering the merits of the claim.

25. The underlying object has been succinctly stated by Scrutton, L.J., in the leading case of R. v. General Income Tax Commissioners for Kensington, Ex Parle Polignac (1917) 1 KB 486: 86 LJ KB 257: 116 LT 136 in the following words:

"[I]t has been for many years the rule of the Court, and one which it is of the greatest importance to maintain, that when an applicant comes to the Court to obtain



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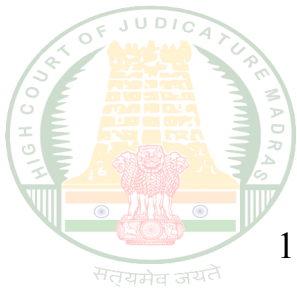
W.P.No.2864 of 2025

relief on an ex parte statement he should make a full and fair disclosure of all the material facts- it says facts, not law. He must not misstate the law if he can help it; the Court is supposed to know the law. But it knows nothing about the facts, and the applicant must state fully and fairly the facts; and the penalty by which the Court enforces that obligation is that if it finds out that the facts have not been fully and fairly stated to it the Court will set aside any action which it has taken on the faith of the imperfect statement".

26. A prerogative remedy is not a matter of course. While exercising extraordinary power a Writ Court would certainly bear in mind the conduct of the party who invokes the jurisdiction of the Court. If the applicant makes a false statement or suppresses material fact or attempts to mislead the Court, the Court may dismiss the action on that ground alone and may refuse to enter into the merits of the case by stating "We will not listen to your application because of what you have done". The rule has been evolved in larger public interest to deter unscrupulous litigants from abusing the process of Court by deceiving it.

28. The above principles have been accepted in our legal system also. As per settled law, the party who invokes the extraordinary jurisdiction of this Court under Article 32 or of a High Court under Article 226 of the Constitution is supposed to be truthful, frank and open. He must disclose all material facts without any reservation even if they are against him. He cannot be allowed to play 'hide and seek' or to 'pick and choose' the facts he likes to disclose and to suppress (keep back) or not to disclose (conceal) other facts. The very basis of the writ jurisdiction rests in disclosure of true and complete (correct) facts. If material facts are suppressed or distorted, the very functioning of Writ Courts and exercise would become impossible. The petitioner must disclose all the facts having a bearing on the relief sought without any qualification. This is because, "the Court knows law but not facts".

10. Heard both sides and perused the materials available on record.



W.P.No.2864 of 2025

11. In view of the above facts and circumstances of the case, the impugned order passed by the 2nd respondent vide Ma.A.8.Va.Thu.Na.Ka.No.R2/2358/2024 dated 25.09.2024 is hereby set aside and this Court is inclined to pass the following directions:

- a) The petitioner and the third respondent shall agitate for the relief before the III Assistant, City Civil Court, Chennai.
- b) The Senior Revenue Officer, 2nd respondent herein, may consider the application of the petitioner to effect property tax assessment in the name of the petitioner if the suit is decreed in favour of the petitioner by the III Assistant, City Civil Court, Chennai, in O.S.No.7093 of 2024.

In the result, **the writ petition stands disposed of with the above observations and directions.** No costs.

25.02.2025

cda

Index : Yes/No

Speaking/Non Speaking order



W.P.No.2864 of 2025

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W.P.No.2864 of 2025

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W.P.No.2864 of 2025

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