

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P.No.10815 of 2015

A. Abdul Samad

.. Petitioner

Vs.

1 Housing Development Corporation Ltd.,
(HDFC) rep. By its Assistant General Manager,
II Floor, ITC Avenue, No.760 Anna Salai,
Chennai 600 002.

2 P.S. Jothiammal

3 Mrs. Pushpam

4 Minor Shruthi,
rep. By her mother
Mrs. Pushpam.

... Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus directing the 1st respondent to process the request of the petitioner on the request to Sale the property viz. Flat No.F2 First Floor having extent of 1500 sq.ft. in New Door No.37 Old No.5, Thiruveethiyan Street, Gopalapuram, Chennai-86 based on the No Objection/ Consent Letter dated 13.3.2015 given by the 2nd respondent to the bank and by considering the petitioner's representation dated 26.3.2015 within reasonable time.

For Petitioner : Mr. R. Neelakandan
for
M/s. C. Mahendran
For Respondents : ---

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

This writ petition is filed to direct the 1st respondent to process the request of the petitioner on the request to Sale the property viz. Flat No.F2 First Floor having extent of 1500 sq.ft.

in New Door No.37 Old No.5, Thiruveethiyan Street, Gopalapuram, Chennai-86 based on the No Objection/ Consent Letter dated 13.3.2015 given by the 2nd respondent to the bank and by considering the petitioner's representation dated 26.3.2015 within reasonable time.

2. The petitioner had already filed a writ petition being W.P.NO. 33908 of 2014 seeking time to vacate the property, which is the subject matter of the present writ petition, wherein, this Court has considered and passed the following order dated 05.03.2015 on the basis of the undertaking given by the petitioner.

" The petitioner had filed an undertaking affidavit to that effect on 19.12.2014, seeking for time till 30.4.2015 to hand over vacant possession of the property at Flat No. F2, First Floor, having an extent of 1500 sq.ft. In New Door No.37, Old No.5, Thiruveethiyan Street, Gopalapuram, Chennai 600 086.

The said undertaking is recorded. We make it clear that during the said period, the petitioner shall not create any third party interest or encumbrance on the property in question. Accordingly, the petitioner is permitted to vacate the said premises on or before 30.4.2015 subject to the terms of the undertaking as recorded herein above.

Resultantly, the writ petition stands disposed of. "

3. In the light of the aforestated earlier order dated 05.3.2015, this writ petition is dismissed as not maintainable. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1 The General Manager, Finance Housing
Development Corporation Ltd.,
II Floor, ITC Avenue, No.760 Anna Salai,
Chennai 600 002.

W.P.No. 10815 of 2015

NM(CO)

Eu 24.04.2015



सत्यमेव जयते

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