

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.31129 to 31131 of 2015

Anitha Doss .. Petitioner in WP.No.31129/2015
Vijay Doss .. Petitioner in WP.No.31130/2015
Victor Doss .. Petitioner in WP.No.31131/2015

V.

The Chief Executive Officer,
Cantonment Board,
St. Thomas Mount-Cum-Pallavaram,
St. Thomas Mount, Chennai - 600 016.

.. Respondent in all W.Ps.

Prayer : Petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondent to assess the petitioners' property bearing No.2/17-B, European Line, St. Thomas Mount, Chennai - 16, bearing GLR No.290, Patta No.5, as per the Settlement Deeds dated 27.08.2013 & 07.05.2013 vide document No.1877/2013, 1033/2013 & 1875/2013 respectively on the file of SRO, Alandur.

For Petitioners
(in all WPs) .. Mr.V.P.Rajendiran

For Respondent
(in all WPs) .. Mr.C.Mohan
For M/s.King and Partridge

COMMON ORDER

Since the case papers were not traceable, a memo has been filed by the respondent/Cantonment Board requesting permission of this Court to reconstruct the case bundle. Since the case bundle in respect of two other writ petitions filed by the same family members of the petitioners being W.P.Nos.31130 & 31131 of 2015 are available, the prayer sought for is not opposed by the learned counsel for the petitioners, the Memo is ordered and the case papers are permitted to be reconstructed.

2.In all these writ petitions, the petitioners seek for a direction upon the respondent/Cantonment Board to assess their property based upon Settlement Deeds dated 07.05.2013 & 27.08.2013 and Patta No.5. The property is said to have been standing in the name of Mr.A.Doss and it appears that he had executed Settlement Deeds dated 07.05.2013 & 27.08.2013 registered as Document Nos.1877/2013, 1033/2013 & 1875/2013 on the file of the Sub Registrar, Saidapet settling the property in favour of the petitioners. On the strength of the Settlement Deeds, the petitioners seek for assessing the property in their names.

3.The learned counsel for the respondent/Cantonment Board pointed out that one of the petitioners viz., Anitha Doss (petitioner in W.P.No.31129 of 2015) had filed an earlier writ petition before this Court in W.P.No.22879 of 2012 praying for issuance of a writ of mandamus to direct the respondent/Cantonment Board to assess the property in her name. The said writ petition was disposed of by order dated 23.08.2012 to consider the said representation. Pursuant to which, an order was passed by the Cantonment Board on 31.12.2012. The learned counsel for the respondent/Cantonment Board submitted that the filing of the earlier writ petition has not been disclosed in the present writ petition and on that ground, the present writ petition is liable to be dismissed. It is further submitted that pursuant to the order dated 31.12.2012, objections were received from Munusamy and Lakshmanan, who are brothers of Mr.A.Doss, objecting to the assessment of the property in favour of Mrs.Anitha Doss. Further, it was brought to the notice of the respondent that the proceedings are pending before the Rent Controller, Alandur and Civil Suit has also been filed by the said Munusamy and Lakshmanan against the petitioners. In this factual background, the respondent/ Cantonment Board issued a public notice on 26.10.2015 calling for objections from any person aggrieved on the proposed transfer of register standing in the name of Anitha Doss. After the public notice was issued, the said Munusamy and Lakshmanan have filed objections on 11.11.2015. The facts stated by the respondent/Cantonment Board has not been brought to the notice of this Court by the writ petitioners and therefore, they are prima facie guilty of suppression.

4.Be that as it may, now the respondent/Cantonment Board has already issued a notice on 26.10.2015 it would be appropriate for them and pass final orders. Further, the learned counsel for the respondent Board submits that the property is not a property of the Government but the property of the Diocese. Further, it is submitted that the construction put up is within the cantonment area.

5. In the light of the above facts, there will be a direction to the respondent Board to consider the objections of the Munusamy and Lakshmanan and also the objections of the petitioners, which shall be submitted by the petitioners within a period of two weeks from the date of receipt of a copy of this order. Thereafter, after conducting an enquiry and perusing the documents which are placed on record, the respondent shall pass final orders on merits and in accordance with law within a period of twelve weeks after the date on which the parties are personally heard.

6. With the above direction, all the Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

Sgl

To
The Chief Executive Officer,
Cantonment Board,
St. Thomas Mount-Cum-Pallavaram,
St. Thomas Mount, Chennai - 600 016.

+3 ccs to Mr.V.P.Rajendran, Advocate, sr.68929
+3 ccs to M/s.King & Partridge, Advocates, sr.68949

सत्यमेव जयते W.P.Nos.31129 to 31131 of 2015

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