

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.04.2016

Coram

The Hon'ble Mr.Justice T.S.SIVAGNANAM

Writ Petition No.16863 of 2016

Mr.S.Arumugam

...Petitioner

Vs.

1. The Commissioner
Corporation of Chennai,
2. The Zonal Officer,
Zone V, Corporation of Chennai,
Rayapuram, Chennai - 600 013. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to consider the issue of permanent allotment of ownership of the building premises in favour of the petitioner S.Arumugam, the present allottee and in respect of premises No.4, New Model Line, 5th Street, Cemetery Road, Old Washermenpet, Chennai - 21.

For Petitioner : Mr.N.A.Kareem

For Respondent : Mr.P.V.Selvakumar
Standing Counsel

O R D E R

Heard Mr.N.A.Kareem, the learned counsel appearing for the petitioner and Mr.P.V.Selvakumar, learned Standing Counsel, accepting notice for respondents. With the consent of parties, the main Writ Petition is taken up for final disposal, at the stage of admission.

2. The petitioner has filed this Writ Petition, seeking for permanent tenancy allotment in his favour, in respect of the premises, bearing No.4, New Model Line, 5th Street, Cemetery Road, Old Washermenpet, Chennai - 21.

3. The petitioner's claim is based on allotment, which was given to his father, late A.Subarayalu, during the year, 1932. The petitioner's father is stated to have passed away on 01.07.1984, leaving the petitioner's mother, Tmt.Pakkiyammal,

and the petitioner as his legal heirs. It is stated that the petitioner's mother had given an affidavit on 15.08.1990 to the respondent/Corporation, stating that she has no objection to transfer allotment in favour of her son/petitioner. Pursuant to which, it is stated that the transfer was effected on 12.10.1990. With these facts, the petitioner has sent a representation, dated 04.11.2011. Since the representation was not considered, the petitioner sent a legal notice on 02.01.2014, and thereafter, has approached this Court, by way of present Writ Petition, seeking for aforementioned relief.

4. From the documents filed in the form of typed set of papers, annexed along with this Writ Petition, it is seen that there is no proof to show that the petitioner has given such representation, dated 04.11.2011.

5. The learned Standing Counsel for respondent/Corporation of Chennai submits that allotments in that area were on tenancy basis by the Corporation during those years, and it is not known as to whether the petitioner has any vested right to claim tenancy.

6. In any event, the petitioner seeks for a direction for consideration of his representation. Hence, there will be a direction to the petitioner to submit fresh representation to the second respondent along with a copy of this order. As and when, such representation is made by the petitioner, the second respondent is directed to consider the same and shall pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of the representation along with a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sd

To

1. The Commissioner
Corporation of Chennai,
2. The Zonal Officer,
Zone V, Corporation of Chennai,
Rayapuram, Chennai - 600 013.

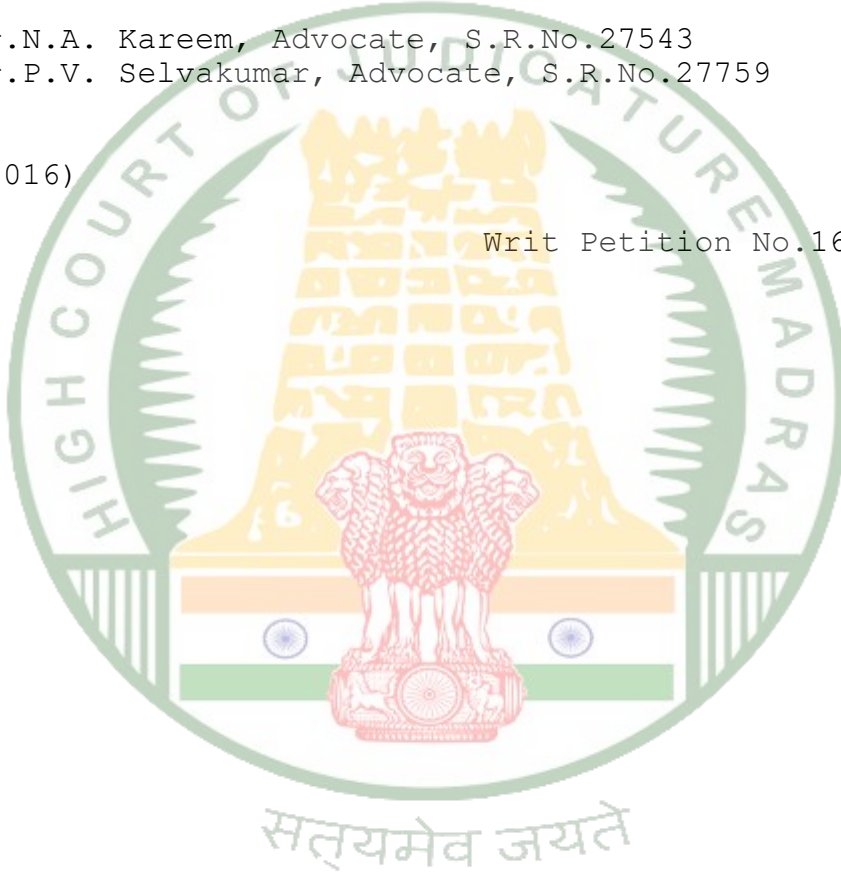
+1cc to Mr.N.A. Kareem, Advocate, S.R.No.27543

+1cc to Mr.P.V. Selvakumar, Advocate, S.R.No.27759

GJ-II(CO)

EU(19/05/2016)

Writ Petition No.16863 of 2016



WEB COPY