

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2016

CORAM

THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.27350 of 2015

1. Jindas Nahar
2. Jayashree Nahar
3. Meenu Nahar

... Petitioners

Vs.

1. Chennai Metropolitan Development Authority,
represented by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 028,
2. The Panchayat President,
Grant Lyon Panchayat Office,
Redhills Madhavaram High Road,
Grant Lyon,
Chennai - 600 052,
3. The Panchayat Union,
Gandhi Road,
Puzhal,
Chennai - 600 066.

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the respondent to consider the representation of the petitioner dated 13.3.2014, reminder representation dated 29.06.2015.

For Petitioners : Mr.M.Sunil Kumar

For Respondents : Mr.R.M.Muthukumar,
2 & 3 Government Advocate

Mr.K.Raja Srinivas for R1

O R D E R

In this writ petition, the petitioners seek a direction to the 1st respondent to consider the representation made by the petitioners dated 13.3.2014, followed by reminder dated 29.6.2015.

2. The petitioners claim to have purchase a property comprised in Survey NO.69/3, measuring an extent of 1 Acre and 16 cents and that they have absolute right, title and interest over the said property. The respondent - C.M.D.A has taken a stand that the said property forms part of a land which has been gifted to a local body with a condition precedent for getting approval of the layout plan. The petitioners' case is that without verification, the local body has accepted the gift under a deed dated 30.8.2005 and the survey number of the petitioners' property has been . erroneously included in the schedule to the gift deed and the petitioners' property is nothing to do with the property, which actually has been gifted. In this regard, the representation is pending with the respondent authorities and since they have slept over the matter for nearly two years the petitioners filed this writ petition.

3. In the written instructions given by the Chief Planner of 1st respondent - C.M.D.A, it is stated that the petitioners' representation would be examined and reply would be furnished within a week.

4. In the light of the above, 1st respondent - C.M.D.A is directed to consider the petitioner's representation after issuing notice to the petitioner, respondents 2 and 3 and Mr.P.R.Dharmalingam, who is said to have executed the gift deed dated 30.8.2005 registered as document No.4456 of 2005 and after affording an opportunity of personal hearing and examining the matter. The 1st respondent is directed to take a reasoned decision and communicate the same to the parties. The above direction has to be complied with by the 1st respondent within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of with the said observation. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 028

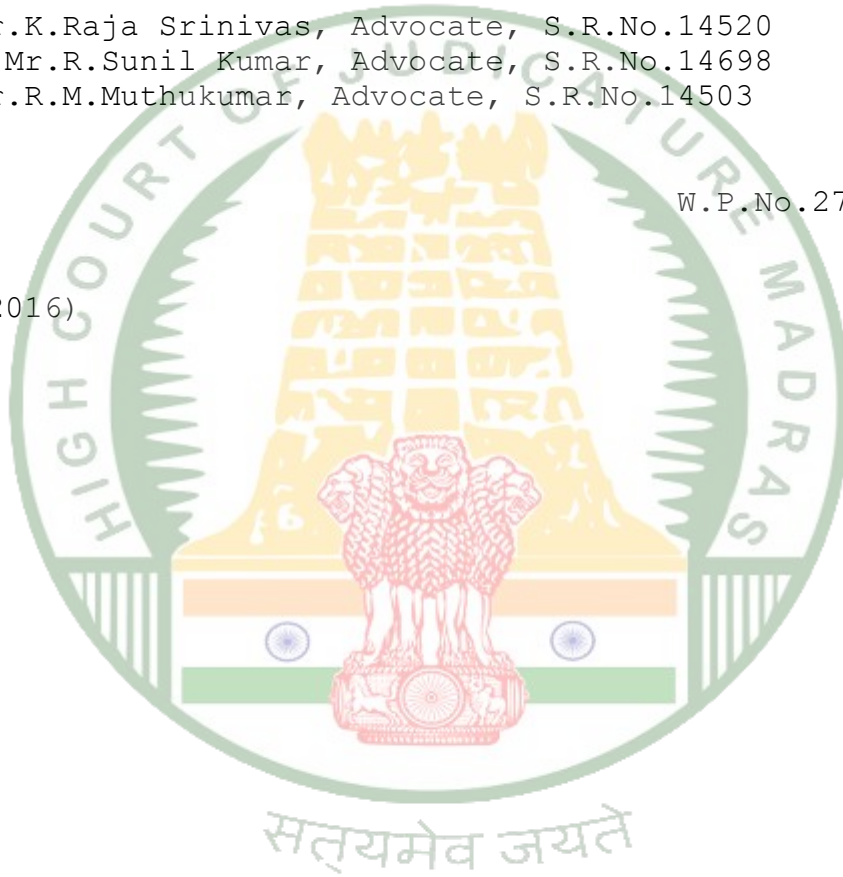
2. The Panchayat President,
Grant Lyon Panchayat Office,
Redhills Madhavaram High Road,
Grant Lyon,
Chennai - 600 052

3. The Panchayat Union,
Gandhi Road,
Puzhal,
Chennai - 600 066.

+1cc to Mr.K.Raja Srinivas, Advocate, S.R.No.14520
+2cc's to Mr.R.Sunil Kumar, Advocate, S.R.No.14698
+1cc to Mr.R.M.Muthukumar, Advocate, S.R.No.14503

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VD(CO)
CA(21.03.2016)



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