

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.8378 of 2016

M.Kempuraj

.. Petitioner

Vs.

1. The Secretary to Government,
Tamil Development, Information and
Culture Department,
Secretariat, Fort St.George, Chennai-600 009.
2. The Director,
The Tamil Nadu Information and
Public Relation Department,
8th Floor, Secretariat Complex,
Fort St.George, Chennai-600 009.
3. The Director,
The Tamil Nadu Film Development Corporation,
Tamil Nadu Film City,
Dr.M.G.R. Film City, Taramani, Chennai.
4. The District Collector,
Kancheepuram Collector Office,
Kancheepuram.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second and third respondents herein to dispose of the petitioner's representation, dated 05.02.2016 within a time frame as may be stipulated by this Court.

For Petitioner : Mr.M.Venkatakrishnan

For Respondents : Mr.M.Dig Vijay Pandian, Addl.G.P

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the second and third respondents herein to dispose of the petitioner's representation, dated 05.02.2016 within a time frame that may be stipulated by this Court.

2. It is the case of the petitioners that the petitioner's mother Smt.M.Muthu Rani, wife of V.Manickavasagam, purchased a semi-permanent theatre at Kannagapattu Village, Thiruporur Taluk, Chenglepet Division, Kancheepuram District, which is named as "Arul Muruga Theatre" and she obtained loan in Loan No.25 by mortgaging the said immovable property by virtue of deposit of title deeds and registered the mortgage for Rs.1,20,000/-. Due to default in re-payment of EMI and loan, the third respondent-TNFDC instituted money-suit claim before the Chengalpet Court and obtained a judgment and decree against the petitioner's mother, who subsequently preferred First Appeal before this Court, in which, there was a conditional order of stay directing the petitioner's mother to remit a sum of Rs.2,000/- per month towards the suit account, which was paid, thereby, the conditional order had been complied with till the date of disposal of the First Appeal, which was subsequently partly allowed in favour of the petitioner's mother and interest part was also reduced, and thereafter, no Second Appeal was preferred by either of them, thereby the judgment and decree of the first appellate Court reached finality and binding on both parties. Notwithstanding the conditional order of payment, the petitioner's mother also paid extra few lumpsum of cash amounts directly to TNFDC, which computed and gave credit to the said sums, which were paid directly into office account, but they did not give due credit to the sums paid and kept under Court deposit in the suit account, paid under various monthly lodgment schedules in pursuant to the conditional order. Hence, the petitioner's mother gave a No Objection endorsement in the petition filed by the TNFDC for recall of the amount under deposit in the suit account and also presently being kept under the State Bank of India, Chengalpet Branch Account, Chengalpet, which is more than Rs.1,50,000/- as on date. Further, it is the case of the petitioner that the TNFDC is charging exorbitant interest even for the suit amount deposited.

3. It is the further case of the petitioner that the documents pertaining to the said Theatre were handed over to the first respondent, who in turn, handed over to the fourth respondent-Collector and there was negative reply from both these respondents. Now, the loan account documents of the petitioner's mother are missing. It is the further stand of the petitioner that his mother settled the said property in his favour, he being her only son and hence, the petitioner claims that he is entitled to claim the parent and original title deeds and documents pertaining to the said property. The petitioner came to understand that the original parent documents and title deeds, which were in the custody of the concerned respondent(s), have been destroyed due to recent floods. In spite of various representations, the respondents have not considered the request of the petitioner for return of the said documents. The petitioner lastly submitted his representation on 05.02.2016 to

the second and third respondents, and since there is no response, the petitioner has filed this Writ Petition for the above relief.

4. Heard both sides.

5. Taking into consideration the facts and circumstances of the case, this Court directs the petitioner to submit a copy of the said representation, dated 05.02.2016 to the third respondent-TNFDC, along with a copy of this order, within a period of one week from the date of receipt of a copy of this order. On receipt of a copy of such representation, the third respondent-TNFDC is directed to consider the same and after conducting enquiry and giving an opportunity of hearing to the petitioner and other necessary parties, pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of six weeks thereafter. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the third respondent to deal with the same at the time of disposal of the said representation on merits.

6. With the above observations and directions, the Writ Petition is disposed of. No costs.

cs

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

Copy to

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Culture Department,
Secretariat, Fort St.George, Chennai-600 009.
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4. The District Collector,
Kancheepuram Collector Office,
Kancheepuram.

+ 1 cc to Mr.M.Venkatakrishnan, Advocate, SR 14405

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