

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.6696 of 2017
and
W.M.P.No.7241 of 2017

Regal Palm Garden Apartment
Owners Association (RPGAOA),
rep. by its Vice President,
Having office at No.383,
Velachery-Tambaram Road,
Velachery, Chennai-600 042. ... Petitioner

Vs.

- 1 The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai - 600 003.
2. The Executive Engineer,
Zone XIII, Corporation of Chennai,
No.115, Dr.Muthulakshmi Salai,
L.B.Road, Adyar,
Chennai - 600 020. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to consider the claim of the petitioner as contained in their representation dated 15.3.2017 addressed to the respondents 1 and 2 while considering the representation dated 4.1.2017 in the light of the directions given by this Court by order dt. 13.2.2017 in W.P.No.3537 of 2017.

For Petitioner : Mr.S.Prabakaran
Senior Counsel
for M/s.M.A.Gouthaman

For Respondents : Mr.R.Aunmozhi

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.R.Arunmozhi, learned counsel takes notice for the respondents.

2. The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus directing the respondents to consider the claim of the petitioner as contained in their representation dated 15.3.2017 addressed to the respondents 1 and 2, while considering the representation dated 4.1.2017 in the light of the directions given by this Court by order dated 13.2.2017 in W.P.No.3537 of 2017.

3. It is the case of the petitioner that the petitioner-association comprises owners of residential apartments. As per the approved plan, certain extent of land was gifted to Chennai Metropolitan Development Authority/Corporation of Chennai as Open Space Reservation Area. Earlier, the employer of the developer has filed W.P.No.3537 of 2017 to direct the Corporation to open the public entry gate of the park developed in the Open Space Reservation land gifted to the Corporation. This Court, vide order dated 13.2.2017 directed the representation dated 04.01.2017 to be disposed of by the third respondent therein within a period of two months of the receipt of the copy of the order. The claim of the petitioner is that the said park is for the inmates of the complex and it cannot be opened for public. The petitioner association has sent a representation on 15.3.2017. Till date, the said representation was not considered by respondents 1 and 2. Hence, the petitioner has filed the writ petition seeking the relief stated supra.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5. The grievance of the petitioner is that their representation to be considered along with the representation given by one R.Ramar dated 04.01.2017.

6. The learned counsel appearing for the Corporation submits that they will consider and pass orders both the representations jointly within a period of three months.

7. In view of the above said submission, we direct the representation of the petitioner dated 15.3.2017 and the representation of one R.Ramar dated 04.01.2017 be disposed of by the second respondent jointly within a period of three months from the date of receipt of a copy of this order. Till the decision is taken, no coercive action shall be taken by the second respondent in respect of 5000 square feet of UDS in the Open Space Reserved Area alone, which the petitioner claims that they are entitled to.

8. The writ petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.No.7241 of 2017 is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To:

- 1 The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai - 600 003.
2. The Executive Engineer,
Zone XIII, Corporation of Chennai,
No.115, Dr.Muthulakshmi Salai,
L.B.Road, Adyar,
Chennai - 600 020.

+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.17113
+1cc to Mr.M.A.Gouthaman, Advocate, S.R.No.17229

W.P.No.6696 of 2017

skv(co)
rmp(27/03/17)