

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.12217 and 12218 of 2004
and
W.P.M.P.Nos.14281 and 14282 of 2004

Shanthi Jeswanth .. Petitioner in both the Writ Petitions
Vs.

1. The Government of Tamil Nadu,
rep. by Secretary,
Housing and Urban Development Department,
Fort. St. George, Chennai-600 009.
2. The Sub-Registrar,
Tiruporur, Chengleput Taluk,
Kancheepuram District.
3. The Chennai Metropolitan Development Authority,
rep. By its Member Secretary,
Thalamuthu Buildings,
No.8, Gandhi Irwin Road,
Egmore, Chennai- 600 008.
4. R.Balasubramaniam
5. Divakar Rathnam .. Respondents in both the Writ Petitions

Writ Petition No.12217 of 2004 filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to G.O.Ms.No.241, Housing and Urban Development (UD-III-1) Department, dated 19.09.2003 on the file of the first respondent herein and to quash the same insofar as the clauses (i) (ii) and (iii) of para 3 therein.

Writ Petition No.12218 of 2004 filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order dated 21.04.2004 passed by the second respondent and to quash the same and to direct the second respondent to register the sale deed executed in favour of the petitioner in respect of the land situate in Semmanchery Village and comprised in S.No.73 (Part) of No.45, Thiruvidanthai Revenue Village, Kancheepuram District.

For Petitioner : Mr.P.Gurusamy for Mr.P.Rathinadurai

For Respondents : Mr.Akhil Akbar Ali, Govt. Advocate for
RR-1 & 2

Mr.Raja shrinivas for R-3

No Appearance for RR-4 and 5

ORDER

The petitioner has filed W.P.No.12217 of 2004 for issuance of a Writ of Certiorari seeking to quash the Government Order in G.O.Ms.No.241, Housing and Urban Development (UD-III-1) Department, dated 19.09.2003 insofar as the clauses (i) (ii) and (iii) of paragraph 3 therein, seeking to quash the same.

2. W.P.No.12218 of 2004 has been filed by the very same petitioner seeking for issuance of a Writ of Certiorarified Mandamus to quash the proceedings dated 21.04.2004 issued by the second respondent, and to direct the second respondent to register the sale deed executed in favour of the petitioner in respect of the land situated in Semmanchery Village and comprised in S.No.73 (Part) of No.45, Thiruvidanthai Revenue Village, Kancheepuram District.

3. When the Writ Petitions are taken up for hearing, learned counsel appearing for both parties represented that the impugned Government Order in G.O.Ms.No.241, mentioned supra, had been quashed by this Court in a batch of Writ Petitions in W.P.No.23316 of 2004, etc. and W.P.No.6365 of 2006, etc. batch, dated 24.03.2011 and the said quashing of the impugned G.O. has also been referred to by this Court while closing the batch of Writ Petitions in W.P.No.10571 of 2005, etc., dated 22.02.2012. The said order of this Court in the said batch of the Writ Petitions, had become final. Moreover, it is stated that the Government has issued G.O.Ms.No.100, Housing and Urban Development (UD-III(1), dated 21.03.2007, cancelling the orders and directions issued in G.O.Ms.No.241, Housing and Urban Development (UD-III-1) Department, dated 19.09.2003.

4. In view of the above submissions, W.P.No.12217 of 2004 is closed, as no further orders are required to be passed in the same. No costs. W.P.M.P.No.14281 of 2004 is closed.

5. In W.P.No.12218 of 2004, the petitioner seeks to quash the said proceedings, dated 21.04.2004 passed by the second respondent, in and by which, the second respondent has stated that the registration of the document dated 21.04.2004 regarding the

property, had been stopped temporarily based on the said G.O.Ms.No.241 and the petitioner seeks for issuance of a mandamus to the second respondent to register the sale deed executed in favour of the petitioner in respect of the said land. Since the said G.O.Ms.No.241 had been quashed by this Court in the said batch of Writ Petitions, and since the said G.O.Ms.No.241 is no longer in existence, as the same had been declared as bad by this Court in the said batch of Writ Petitions, W.P.No.12218 of 2004 is allowed and the proceedings dated 21.04.2004 is also quashed and the second respondent is directed to register the above said sale deed in favour of the petitioner in respect of the said land, in accordance with law. No costs. W.P.M.P.No.14282 of 2004 is closed

sd/

ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

To

1. The Secretary,
Housing and Urban Development Department,
Fort. St. George,
Chennai-600 009.
2. The Sub-Registrar,
Tiruporur,
Chengleput Taluk,
Kancheepuram District.
3. The Member Secretary,
The Chennai Metropolitan Development Authority,
Thalamuthu Buildings,
No.8, Gandhi Irwin Road,
Egmore, Chennai- 600 008.

+1 CC to Mr. K.Raja Srinivasan, Advocate Sr.No.67816
+1 CC to Mr. P.Rathina Durai , Advocate Sr.No.67405
+1 CC to Government Pleader , Advocate Sr.No.67816

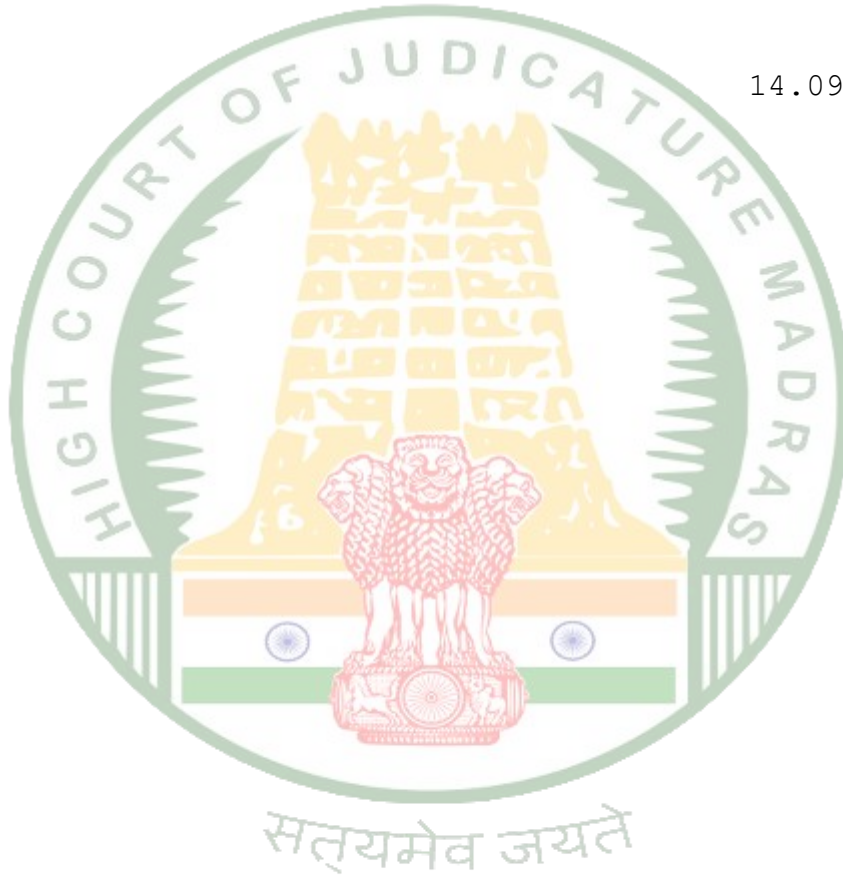
W.P.No.12217 and 12218 of 2004

PVS (CO)

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