

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2018

CORAM

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

W.P.No.21896 of 2018
and WMP.No.25694 of 2018

K.Baskar

...Petitioner

Vs.

The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

... Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent to dispose the petitioner's representation dated 19.03.2018.

For Petitioner : Mr.K.V.Sundararajan

For Respondent : Mr.P.Tamilmani

O R D E R

The prayer in the writ petition is for issuance of a writ of mandamus directing the respondent to dispose of the petitioner's representation dated 19.03.2018.

2. The grievance of the petitioner is that he was allotted a shop in Koyambedu, Chennai wholesale market. At the time of allotment, the price was fixed as Rs.5,300/- per sq.ft, but subsequently for a similar shop, the respondent has fixed the price as Rs.3,000/- per sq.ft., as per the resolution passed by the respondent in A.R. No.128/99 dated 18.02.1999. The above benefit was not given to the petitioner, hence the petitioner filed a suit in O.S.No.4183 of 2001 before the XVII Assistant Judge, City Civil Court, Chennai, for declaration that the petitioner is entitled for the benefit of the Resolution A.R.No.128/99 dated 18.02.1999. The suit was decreed in favour of the petitioner and challenging the judgment and decree, an appeal in A.S.No.207 of 2003 was filed by the respondent and the same was dismissed by judgment and decree dated 14.03.2008, against which, the respondent had preferred a Second Appeal in S.A.Sr.No.48083 of 2012 before this Court and the same was dismissed on 16.09.2014. Thereafter the petitioner approached

the respondent on several occasions to execute the sale deed accepting the value of Rs.3,000/-, but, so far no order has been passed, hence, finally the petitioner had taken Demand Draft for a sum of Rs.61,332/- for the shop and submitted the same along with the representation before the respondent on 19.03.2018 and requested him to execute the sale deed but they failed to do so. Hence the present writ petition.

3. The learned counsel appearing for the respondent submitted that the matter should be placed before the appropriate Committee to pass order for executing the sale deed.

4. This matter is pending for a long time; even the Second Appeal filed by the respondent was dismissed in the year 2014 and the judgment also became final. Hence in the present circumstances the respondent is directed to consider the petitioner's representation and execute the sale deed within a period of six weeks from the date of receipt of a copy of this order. With the above observations the writ petition is disposed of. No costs. Consequently connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

dpq

To

The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

+1cc to Mr.K.V.Sundararajan, Advocate, S.R.No.63691

W.P.No.21896 of 2018
and WMP.No.25694 of 2018

RJ(CO)

rrs 25/10/52018

WEB COPY