

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.3719 of 2017

J.Pradeep

...Petitioner

Versus

1.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai -600 003.

2.The Assistant Revenue Officer,
Zone-15, Chennai - 600 019.

3. C.Sathasiavam

... Respondents

Prayers: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 25.10.2016.

For Petitioner : M/s.J.Arulprakasam
For RR1 & 2 : Mr.T.C.Gopalakrishnan
For R3 : Mr.K.Balu

ORDER

The petitioner has come up with the Writ Petition for issuance of Writ of Mandamus to direct the 1st respondent to consider his representation dated 25.10.2016.

2. The case of the petitioner is that the property of an extent of 2,400 sq.ft. in Survey No.169 at Karappakam Village, Sholinganallur Taluk originally belonged to his grandfather Dasarathan, who had a son and two daughters. The petitioner's grandfather executed a settlement deed in favour of his father settling 2,200 sq.ft. in Survey No. 169 by registered settlement deed dated 07.03.2009, who in turn settles the property in favour of the petitioner on 01.04.2016 and thereby, he became the absolute owner of the property. The petitioner further

stated that all the Revenue Records stand in the name of the petitioner and since an attempt was made to transfer the property in the name of the 3rd respondent, the petitioner sent a representation dated 25.10.2016. Since it was not considered, the present writ petition.

3. Heard Mr.J.Arulprakasam, learned counsel appearing for the petitioner, Mr.T.C.Gopalakrishnan, learned counsel appearing for the respondents 1 & 2 and Mr.K.Balu, learned counsel appearing for the 3rd respondent.

4. The learned counsel for the 3rd respondent submitted that the petitioner's grandfather Dasarathan, after executing the settlement deed in favour of the petitioner's father on 07.03.2009, cancelled the same and settled the property in favour of one of his daughter Mythili and the 3rd respondent is the husband of the said Mythili. It is further submitted that a Civil Suit in O.S.No.460 of 2016 is pending before the District Munsif Court, Alandur.

5. The learned counsel for the petitioner contended that the settlor had no right to cancel the settlement deed and the suit was instituted only for injunction and therefore there is no impediment for the respondents to consider the representation. It would suffice, if a direction is issued to the 2nd respondent to consider the representation of the petitioner.

6. In the light of the above facts and taking into consideration the submissions of both sides, this Court without going into the merits of the case, directs the 2nd respondent to consider the representation of the petitioner dated 25.10.2016, and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to all the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above observation and direction, the writ petition is disposed of. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

pvs

To

1.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai -600 003.

2. The Assistant Revenue Officer,
Zone-15, Chennai - 600 019.

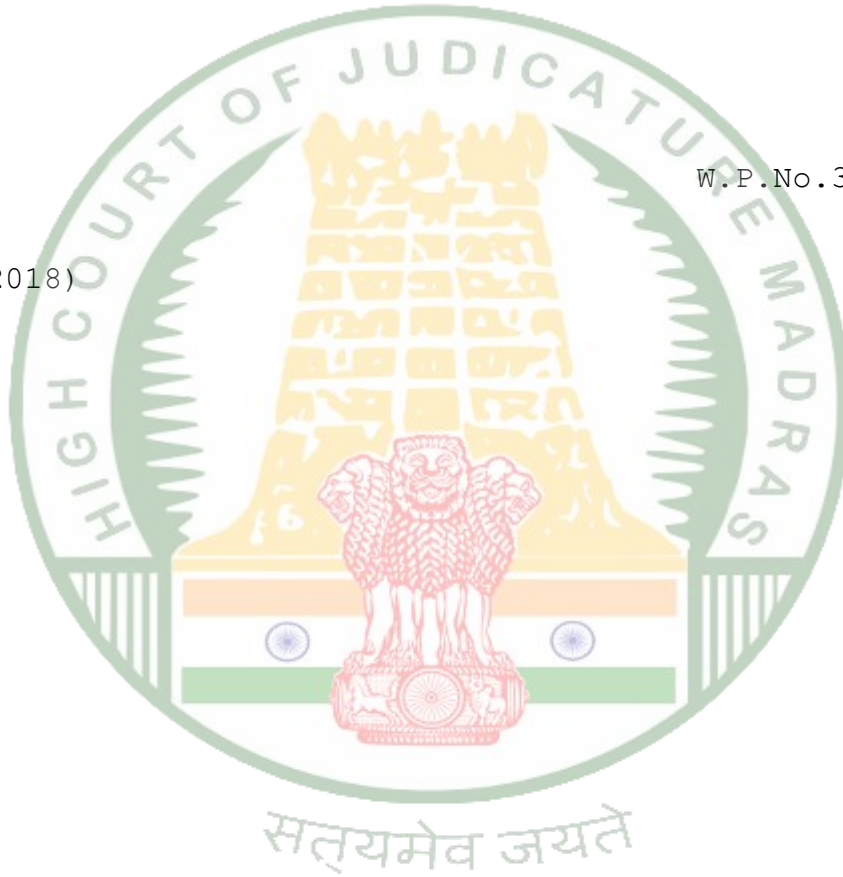
+2 Ccs to Mr.J. Arul Prakasam, Advocate sr 196.

+1 CC to Mr.T.G. Gopalakrishnan, Advocate sr 290.

+1 CC to Mr.K. Balu, Advocate sr 269.

W.P.No.3719 of 2017

KJ(CO)
SP(02/02/2018)



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