

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.18377 of 2018

J.Athiyan

...Petitioner

Vs.

Chennai Metropolitan Development Authority,
Rep. by its Chief Executive Officer,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

...Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondent to consider the representation of the petitioner dated 22.09.2017 for issuance of sale deed in respect of Shop No.J/106 in the name of the partnership firm "GDR & Co" taking into consideration of the sale deeds issued in the name of the "Akash Durai & Co" in respect of Shop No.E.104 registered sale deed, vide Document No.4166 of 2005, dated 15.11.2005 on the file of Sub Registrar Office, Annanagar, at Periyar Vegetable Market Koyambedu Whole Sale Market, Chennai and sale deed issued in the name of M/s.Senthamarai & Co" in respect of Shop no.E.112 registered sale deed vide Document No.664 of 2011, dated 18.02.2011 on the file of Sub Registrar Office, Annanagar at Periyar Vegetable Market Koyambedu Whole Sale Market, Chennai.

For Petitioner : Mr.M.Raja Sekhar

For Respondent : Mr.P.S.Ganesh, Standing Counsel

ORDER

Mr.P.S.Ganesh, learned Standing Counsel takes notice for the respondent. By consent of the learned counsel appearing for the parties, the writ petition is taken up for final hearing at the admission stage itself.

2. The petitioner has come forward with this writ petition, seeking direction to the respondent to consider the representation of the petitioner dated 22.09.2017 for issuance of sale deed in respect of Shop No.J/106 in the name of the partnership firm "GDR & Company", taking into consideration of the sale deeds issued in the name of "Akash Durai & Co." in

respect of Shop No.E.104 and M/s.Senthamarai & Co." in respect of Shop no.E.112.

3. According to the petitioner, he is the allottee of the Shop No.J/106 in Periyar Vegetable Market, Koyambedu Whole Sale Market Complex, Chennai, as per the allotment order dated 28.12.2001. Thereafter, he entered into a partnership agreement with one Rajasekaran and Senthamarai on 01.11.2010, in the name and style of "GDR & Co.". He was not able to pay the monthly installments regularly due to the loss in business. However, the partnership firm "GDR & Co." has remitted the entire sale deed amount of Rs.14,40,290/- on 28.12.2001.

4. The further case of the petitioner is that the representations dated 25.11.2016 and 22.09.2017 to issue sale deed for the said shop in the name of the Firm, was not considered. Hence, the present writ petition.

5. The learned counsel for the petitioner submitted that in respect of Shop Nos.E104 and E112, the respondent executed sale deeds in the name of the Firms, however, the request of the petitioner to execute the sale deed in the name of the Firm was not considered. Hence, a suitable direction may be issued to the respondent.

6. The learned Standing Counsel for the respondent submitted that the respondent is ready to consider the representation of the petitioner in accordance with law.

7. Taking note of the submissions of the learned counsels on either side, this Court, without going into the merits of the case, directs the respondent to consider the representations of the petitioner, dated 25.11.2016 and 22.09.2017 and pass appropriate orders on merits and in accordance with law after affording ample opportunities to the necessary parties, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

pvs

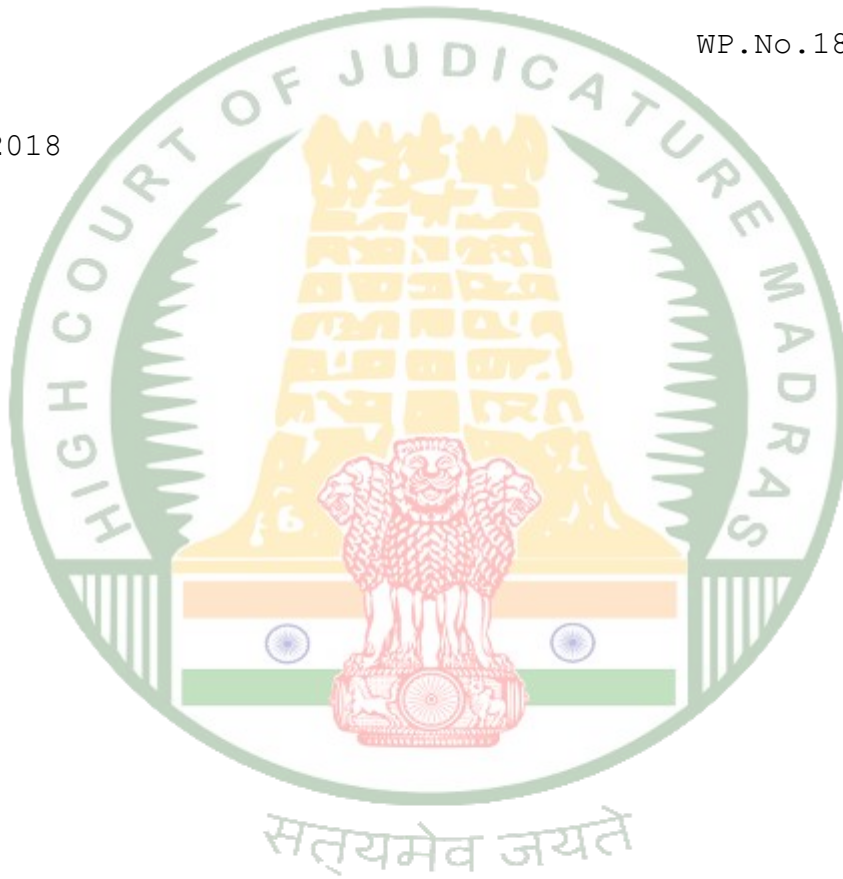
To

The Chief Executive Officer,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

+1cc to Mr.P.S.Ganesh, Advocate sr.no.47776
+1cc to Mr.M.Raja Sekhar, Advocate sr.no.47815

WP.No.18377 of 2018

ak(co)
nr 13/08/2018



WEB COPY