

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.4.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WRIT APPEAL NO.1509 OF 2019 & CMP.NO.10251 OF 2019

M.A.Ramani Eswari

...Appellant

Vs

The Member Secretary, Chennai
Metropolitan Development
Authority, No.1, Gandhi Irwin
Road, Thalamuthu Natarajan
House, Egmore, Chennai-8.

...Respondent

APPEALS under Clause 15 of the Letters Patent against the
order dated 03.1.2019 made in W.P.No.30950 of 2018.

W.P.No.30950 of 2018:-

Writ Petition filed under Article 226 of the Constitution of
India, praying for the issuance of a Writ of Mandamus directing
the respondent to dispose of the Petitioner representation dated
02.08.2018.

For Appellant : Mr.S.Venkatesh

For Respondent : Mr.P.S.Ganesh
Standing Counsel (CMDA)

Judgment was delivered by T.S.SIVAGNANAM, J

We have heard the learned counsel for the appellant and
Mr.P.S.Ganesh, learned Standing Counsel accepting notice for the
respondent.

2. This appeal is directed against the order dated 03.1.2019
passed by the learned Single Judge in W.P.No.30950 of 2018.

3. The said writ petition was filed by the appellant herein to direct the respondent herein to dispose of her representation dated 02.8.2018.

4. The learned Single Judge rightly disposed of the said writ petition by directing the respondent to entertain the application filed by the appellant and process the same and not to take a decision and wait for the outcome of the public interest litigation pending before a Division Bench of this Court in W.P.No.23889 of 2017.

5. Mr.S.Venkatesh, learned counsel for the appellant would contend that another identical issue was considered by a Division Bench in Contempt Petition No.1087 of 2017 and Writ Petition No.24705 of 2017 by a common order dated 06.2.2019 and that the application of the appellant should be directed to be processed.

6. The said submission of the learned counsel for the appellant is not acceptable for two reasons. Firstly, the order passed by the Division Bench relied upon by the learned counsel for the appellant is dated 06.2.2019 whereas the impugned order was passed much prior to that i.e. On 03.1.2019. Therefore, we cannot test the correctness of the impugned order by a subsequent order passed by the Division Bench. Secondly, the writ petition, which has been referred to in the impugned order i.e. W.P.No.23889 of 2017, according to the learned Standing Counsel for the respondent, is still pending. In the light of the above, we find that there is no error in the order passed by the learned Single Judge.

7. In the result, the writ appeal fails and is accordingly, dismissed. However, this will not prevent the appellant from approaching the Authorities for appropriate relief. No costs. Consequently, the connected CMP is also dismissed.

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Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

RS

To

The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Thalamuthu Natarajan House,
Egmore, Chennai-8.

+lcc to Mr.S.Venkatesh, Advocate, S.R.No.40925
+lcc to Mr.P.S.Ganesh, Advocate, S.R.No.41182

WA.No.1509 of 2019 &
CMP.No.10251 of 2019

MP (CO)
CS/01/07/2019



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