

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.26581 of 2016

Tmt.Krishnaveni

W/o late Chockalingam

.. Petitioner

-VS-

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

2. The Deputy Commissioner
Revenue & Finance
Chennai Corporation
Rippon Building
Chennai 600 003

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records pertaining to the rejection order passed dated 29.06.2016 on the files of the second respondent by his order No.N.M.U.T.Na.Ka.No.L.E.10/836/2009 and quash the same.

For Petitioner :: Mr.M.Chidambaram

For Respondents:: Mr.T.C.Gopalakrishnan
Standing Counsel

ORDER

The petitioner claims to be the legal heir of Mrs.Palayammal and Mr.Munusamy and Mrs.Palayammal are the parents of the petitioner. The learned counsel for the petitioner submits that Mr.Ramachandran, Mrs.Sivakami and Mrs.Guna Boosanam are the brother and sisters of the petitioner herein through her parents. Since the respondent Corporation allotted the place in question in the name of the petitioner's parents based upon the G.O.Ms.No.1046, Rural Development and Land Administration Department dated 16.6.77 under registration No.1732/74 dated 13.12.74 and the petitioner being the youngest daughter to her parents, now the petitioner and her brother are living in the same premises. Her brother Mr.Ramachandran, who is a bachelor

and living along with the petitioner in the same premises, has also given his no objection for transfer of property in the name of the petitioner. Along with the NOC, the petitioner has also sent a representation to the respondent Corporation on 7.6.2012. As there was no response, the petitioner filed W.P.No.30995 of 2012 seeking a direction to the respondents for disposal of her representation dated 7.6.2012. This Court, considering the limited prayer, by order dated 26.11.2015, directed the respondents to consider the representation on merits. Based on the order passed by this Court, the impugned order has been passed by the Corporation refusing the request of the petitioner on the ground that the order of allotment passed in favour of the petitioner's mother Mrs.Palayammal is not found in the records. The learned counsel for the petitioner submitted that the original order of allotment given in favour of the petitioner's mother Mrs.Palayammal was washed away in the deluge that took place during the month of December, 2015.

2. But this Court is not inclined to agree with the case of the petitioner. Firstly, the petitioner has miserably failed to produce the original order of allotment issued in favour of her mother Mrs.Palayammal before the respondents at the time of consideration of her representation, on the basis of the order of this Court dated 26.11.2015 passed in W.P.No.30995 of 2012. Secondly, the petitioner has not stated even in the personal enquiry conducted by the respondents on 8.6.2016 that the original order of allotment issued in favour of her mother was either misplaced or washed way in the torrential rain that lashed the city during December, 2015. Therefore, this Court, finding that the said reason is only an afterthought, is not inclined to interfere with the impugned order. Accordingly, the writ petition stands dismissed. Consequently, W.M.P.Nos.22772 of 2016 and 1213 of 2018 are also dismissed. No costs.

s/d-

Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

ss
To

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

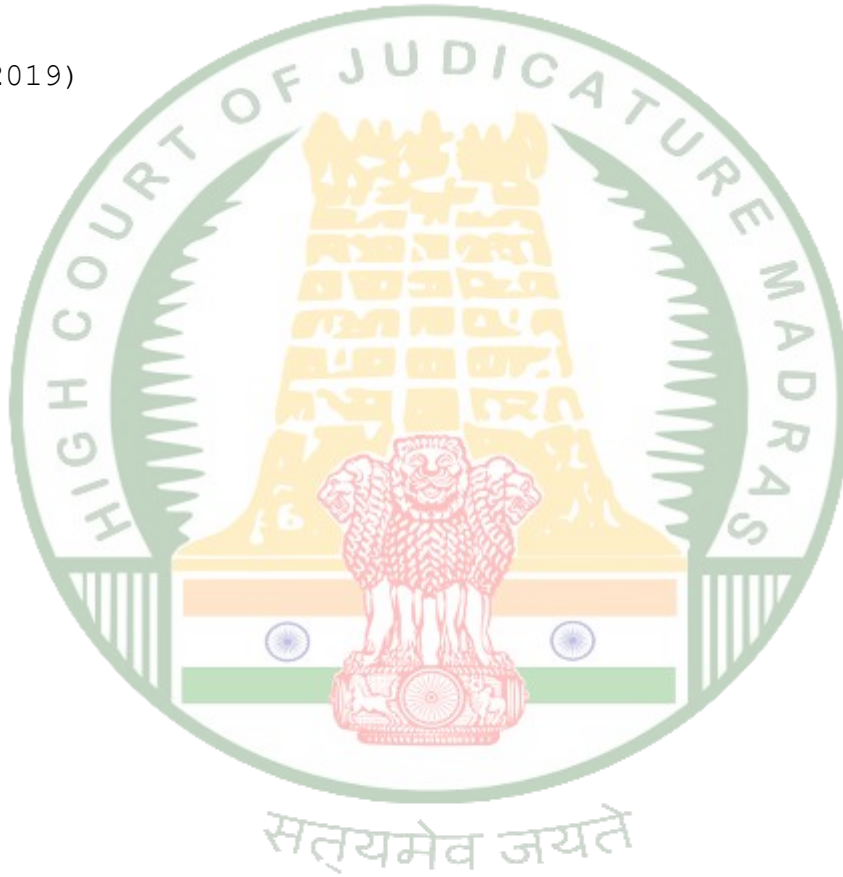
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2. The Deputy Commissioner
Revenue & Finance
Chennai Corporation
Rippon Building
Chennai 600 003

+1 CC to Mr.M.Chidambaram, Advocate sr 3105.

W.P.No.26581 of 2016

NRI (CO)
SP(06/02/2019)



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