

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.10538 of 2019

A.N.Parthasarathy

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Petitioner

Vs.

1.The Member-Secretary,

Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

2.The Chief Executive Officer,

Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

3.The Senior Estate Officer,

Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

...

Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the respondents to issue sale deed in the name of the petitioner, viz., A.N.Parthasarathy for the allotment of shop No.C-37, based on the allotment order issued by the second respondent dated 09.03.1994 by considering the application of the petitioner dated 16.07.2018.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.Karthick Rajan
Standing Counsel

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O R D E R

Mr.Karthick Rajan, learned Standing Counsel takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal.

2. In this Writ Petition, the petitioner seeks for a direction to the respondents to issue sale deed in his favour for the allotment of shop No. C-37, based on the allotment order issued by the second respondent, dated 09.03.1994 by considering the application of the petitioner, dated 16.07.2018.

3. The case of the petitioner is that he made an application on 06.09.2017 to the second respondent for issuance of sale deed in his favour in respect of Shop No.37, as per the allotment order dated 09.03.1994. It is further submitted that the second respondent also issued no objection certificate for the shop No.C37. While so, one E.Soundararajan made an objection for issuance of sale deed in favour of the petitioner and the same was forwarded to the second respondent for consideration. Further, the said E.Soundararajan had filed a Writ Petition before this Court in W.P.No.8445 of 2018, for considering his objection. This Court, by an order dated 10.07.2018, directed the respondents to consider the objection of said E.Soundararajan and pass orders. Thereafter, the second respondent, by an order dated 12.07.2018, rejected the objection raised by the said E.Soundararajan. Therefore, according to the petitioner, there is no impediment for the respondents for issuing sale deed, in his favour. Hence, the petitioner filed an application dated 16.07.2018, for issuance of sale deed in his favour. However, till date, there is no response from the respondents. Hence, the present Writ Petition.

4. The learned Standing Counsel appearing for the respondents would submit that if there is no appeal or any proceedings pending before this Court, there is no impediment for the respondents to consider the application of the petitioner dated 16.07.2018. It is further submitted that the petitioner may be directed to send a copy of the application dated 16.07.2018 to the respondents within a time frame.

5. In the light of the submissions and also considering the limited scope of prayer sought for in this writ petition, this Court, without going into merits of the case, directs petitioner to send a copy of the application dated 16.07.2018 to the third respondent, by enclosing a copy of this order within a period of one week from the date of receipt of a copy of this order. On such receipt, the third respondent shall consider and pass appropriate orders on merits and in accordance with law, after providing an opportunity to all necessary parties, within a period of eight weeks thereafter.

6. With the above direction, the Writ Petition is disposed of. There is no order as to costs.

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar

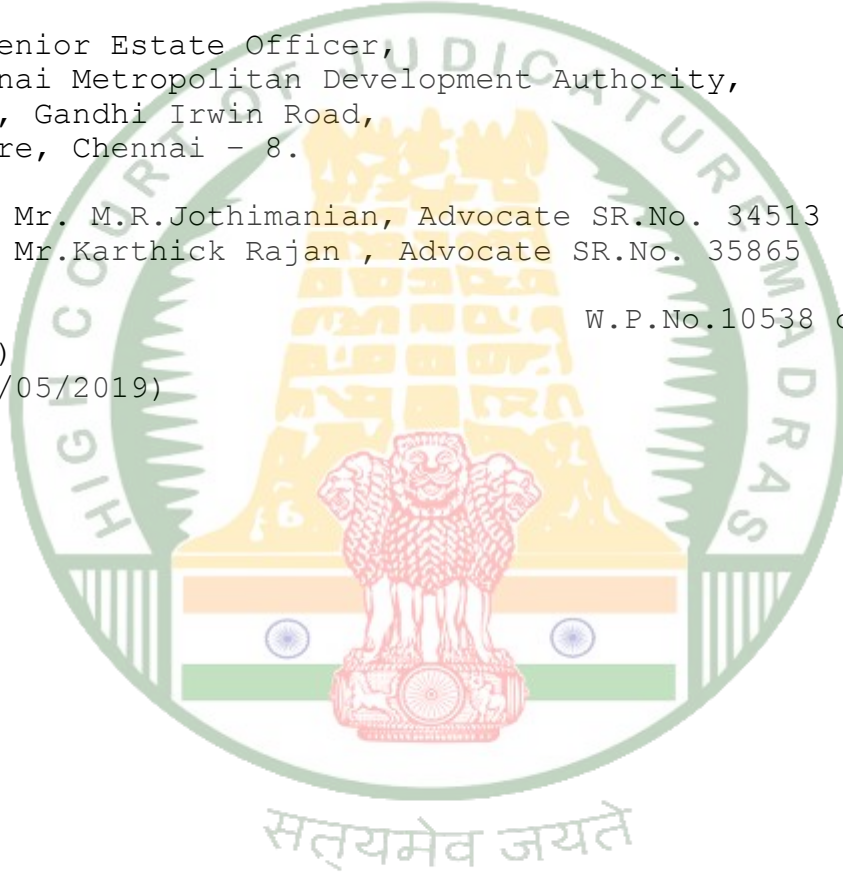
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To

- 1.The Member-Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.
- 2.The Chief Executive Officer,
Chennai Metropolitan Development Authority,
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Egmore, Chennai - 8.
- 3.The Senior Estate Officer,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

+1cc to Mr. M.R.Jothimanian, Advocate SR.No. 34513
+1cc to Mr.Karthick Rajan , Advocate SR.No. 35865

W.P.No.10538 of 2019

ssd (CO)
A.SK(08/05/2019)



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