

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2019

CORAM

THE HONOURABLE Mr. JUSTICE T.RAJA

W.P.Nos.28254 of 2016 and 12559 of 2017 and
W.M.P.No.24389/2016 in W.P.No.28254/2016 and
WMP.Nos.13336 & 13337/2017 in W.P.No.12559/2017

W.P.No.28254 of 2016

Pushparani Jain ... Petitioner

Versus

1. The Chairman,
Chennai Metro Rail,
Administration Building,
Poonamallee High Road,
Koyambedu,
Chennai-107.

2. Ashok Zachariah ... Respondents

(2nd respondent suo motu impleaded as per order
dated 17.07.2017)

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India, praying for the issue of Writ of
Mandamus, directing the 1st respondent to provide appropriate and
necessary road access with 12 feet wide passage from the
property of the plaintiff to reach the main road as indicated in
the representation dated 20.1.2016 followed by another
representation dated 16.06.2016 at the earliest.

For Petitioner : Mr.V.Manohar

For 1st Respondent : Mr.Jayesh B. Dolia

For R2 : Not ready notice

W.P.No.12559 of 2017

1. Ashok Zachariaiah

2. Pradeep Zacharias ... Petitioners

Versus

1. M/s.Chennai Metro Rail Limited
rep. By its Managing Director,
Chennai Unit-II, Poonamallee High Road,
Koyambedu, Chennai-600 107.
- 2.The District Revenue Officer,
M/s.Chennai Metro Rail Limited,
Chennai Unit-II,
Poonamallee High Road,
Koyambedu, Chennai-600 107.
- 3.The Special Tahsildar,
Chennai Unit-II,
Poonamallee High Road,
Koyambedu, Chennai-600 107.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, directing the respondents to give the petitioners unhindered accesses and passage into the property and building at A.3, 2nd Avenue, Ashok Nagar (East), Chennai-600 102 from 2nd Avenue, Anna Nagar East, Chennai-600 102.

For Petitioners : Mr.V.Raghavachari

For Respondents : Mr.Jayesh B. Dolia
1 to 3

C O M M O N O R D E R

The Writ Petition in W.P.No.28254/2016 has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to provide appropriate and necessary road access with 12 feet wide passage from the property of the petitioner to reach the main road as indicated in the representation dated 20.1.2016 followed by another representation dated 16.06.2016 at the earliest.

2. The Writ Petition in W.P.No.12559/2017 has been filed seeking to issue a Writ of Mandamus, directing the respondents to give the petitioners unhindered access and passage into the property and building at A.3, 2nd Avenue, Ashok Nagar (East), Chennai-600 102 from 2nd Avenue, Anna Nagar East, Chennai-600 102.

3. When the matter is called today, Mr.V.Raghavachari, learned Counsel appearing for the petitioners in W.P.No.12559/2019 by producing a copy of the Memorandum of Compromise entered into between the petitioner and the Chairman, Chennai Metro Rail Limited fairly submitted that the prayer in the Writ Petition has become infructuous in view of the compromise entered into between the parties during August, 2017.

4. Mr.V.Manohar, learned Counsel appearing for the petitioner in W.P.No.28254/2016 also submitted that in the Compromise Memo entered into between the Metro Rail Limited and the petitioners in W.P.No.12559/2017, the petitioner in W.P.No.28254/2016, namely, Pushparani Jain was also permitted to take part as a beneficiary.

5. At this stage, Mr.Jayes B. Dolia, learned Counsel for the Chennai Metro Rail Limited submitted that the petitioner in W.P.No.28254/2016 is no more. Therefore, if her daughter Abha Jain comes with requisite documents, namely, Legalheirship Certificate and also Consent Letter from other Legal Heirs to represent the deceased petitioner Pushparani Jain in W.P.No.28254/2016, there will not be any difficulty for the respondents.

6. In view of the above submission, Abha Jain, daughter of the deceased petitioner Pushparani Jain in W.P.No.28254/2016 is directed to sign the Memo of Compromise and she is also directed to produce the Legal heirship Certificate and also a Consent Letter and Affidavit from other Legal Heirs, if any.

7. With the above direction, the Writ Petitions are disposed. It is made clear that the Memorandum of Compromise entered into between the petitioners in both the Writ Petitions and the Chairman, Chennai Metro Rail Limited shall form part of the record. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

tsi

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To

1. The Chairman,
Chennai Metro Rail,
Administration Building,
Poonamallee High Road,
Koyambedu,
Chennai-107.
2. The Managing Director,
M/s.Chennai Metro Rail Limited,
Chennai Unit-II, Poonamallee High Road,
Koyambedu, Chennai-600 107.
- 3.The District Revenue Officer,
M/s.Chennai Metro Rail Limited,
Chennai Unit-II,
Poonamallee High Road,
Koyambedu, Chennai-600 107.
- 4.The Special Tahsildar,
Chennai Unit-II,
Poonamallee High Road,
Koyambedu, Chennai-600 107.

+1 cc to Mr.V.Manohar Advocate sr89482

W.P.Nos.28254/2016 & 12559/2017

rsi(co)
aa12/12/2019

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