

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.07.2019
CORAM
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU
W.P. No. 21309 of 2019

K. Mohan ... Petitioner

-vs-

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
5, Kamarajar Salai,
Chennai - 600 015.

2. I.V. Ramamoorthy ... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the First Respondent to issue allotment order in favour of Petitioner pertaining to the Plot No.331 in Velachery Lakshmipuram allotment scheme.

For Petitioner : Mr. A. Muruganandam

For Respondents : Mr. M. Rajasekar (For R1)

ORDER

The Writ Petition has been filed for the direction to the First Respondent to issue allotment in favour of the Petitioner pertaining to Plot No. 331 in Velachery Lakshmipuram Allotment Scheme.

2. Mr. M. Rajasekar, Learned Counsel, who takes notice for the First Respondent, on instructions, states that the Petitioner had instituted a suit in O.S. No. 6019 of 2008 before the II Assistant Judge, City Civil Court, Chennai for the relief of declaring him as the the original allottee of the aforesaid property and for consequential relief to issue allotment in his favour in respect of that property, which has been dismissed by Judgment and Decree dated 07.11.2017 and that the Petitioner has preferred appeal in A.S. No. 345 of 2013 before the VI Additional Judge, City Civil Court, Chennai, which is now pending, and as such, he cannot seek the same relief by way of this Writ Petition. Accordingly, the Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to pursue for the relief in the aforesaid appeal and he has made an endorsement to that effect, which is recorded.

3. Accordingly, the Writ Petition is dismissed as withdrawn leaving it open to the Petitioner to pursue for the relief claimed in the aforesaid appeal. It is expected that the Court hearing the aforesaid appeal shall ensure that there is at least one effect hearing every week showing progress for the speedy disposal of the case. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
5, Kamarajar Salai,
Chennai - 600 015.

2. VI Additional Judge
City Civil Court
Chennai.

Copy to

The Registrar,
City Civil Court,
Chennai.

+1cc to Mr. M. Rajasekar, Advocate sr.62177

सत्यमेव जयते

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nr 14/08/2019

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