

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.08.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.23334 of 2019

G.Baskaran

.. Petitioner

/versus/

1.The Member Secretary,
The Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

2.The Estate Officer,
The Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

3.The Chief Executive Officer,
The Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent dated 24.07.2019 vide Ref.No.K4/3701/2009 and quash the same and consequentially direct the respondents to execute the sale deed in favour of the petitioner by disposing off the representation dated 12.12.2018 and 14.05.2019 in accordance with law.

For Petitioner :Mr.M.Ganesan

For Respondents :Mr.S.Thiruvengadam, st.c

O R D E R

By consent, the writ petition itself is taken up for final disposal at the admission stage itself.

2. Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

3. The prayer sought for in this writ petition is to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent dated 24.07.2019, vide, Ref.No.K4/3701/2009 and quash the same and consequentially direct the respondents to execute the sale deed in favour of the petitioner by disposing off the representations dated 12.12.2018 and 14.05.2019 in accordance with law.

4. The grievance of the petitioner is that the father of the petitioner V.R.Gopal Naidu is the allottee of the shop in Koyambedu Whole Sale Market Complex, Chennai. On his demise, there was a dispute between the legal heirs of the deceased V.R.Gopal Naidu, which has ended in compromise, after Mediation effected by the Mediation and Conciliation Centre of the High Court. Based on that, the petitioner wants to transfer the sale deed in his name.

5. The third respondent/Chief Executive Officer of CMDA has called for an enquiry for verification of the document. During the enquiry, only the petitioner was present and other legal heirs of the deceased V.R.Gopal Naidu were not present. Therefore, he has issued impugned order dated 24.07.2019 wherein it is stated that instead of attending the enquiry with all the legal heirs, no one has attended the enquiry except the petitioner. Hence, the request of name transfer can be considered only after attending the enquiry with all other legal heirs.

6. The learned counsel appearing for the petitioner submits that after entering into the compromise before the Mediation and Conciliation Centre, the third respondent has no authority to conduct the enquiry and to summon all the legal heirs for name transfer of the property. He is bound to transfer the property in the name of the petitioner, without any enquiry.

7. This Court is unable to countenance the said submission. The second respondent is the authority, who has to effect the name transfer and he can do so, only after his subjective satisfaction of the records submitted by the petitioner. When the petitioner has contended that the legal heirs of the deceased V.R.Gopal Naidu entered into the compromise and settled the dispute, this Court finds no valid

reason for not marshalling all the legal heirs before the respondents and satisfy him that the other legal heirs have no objection for transferring the allotment in the name of the petitioner and execute the sale deed. This Court cannot short circuit the procedure established under law by entertaining the writ petition of this nature. Hence, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

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No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

+1cc to Mr.M.Ganesan Advocate, S.R.No.67882

+1cc to Mr.S.Thiruvengadam Advocate, S.R.No.68195

SPD(CO)
CB(17/09/2019)

सत्यमेव जयते
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