



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P. No. 22074 of 2012

and

M.P. No. 1 of 2012

V.Surya

.. Petitioner

Vs.

1. Chennai Metropolitan Development Authority
Rep. By its Member Secretary
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai- 600 008.

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

3. V.Pattu .. Respondents
(R3 Impleaded vide order dated 06.11.12 by VDPJ
in MP 1/12 in WP No.22074/12)

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents herein to execute the sale deed in favour of the petitioner in respect of the property bearing Plot No.96, Block No.82C, Manali New Town (EWS) vide allotment letter No.AL6/2137/89 dated 20.03.1990 without insisting the production of Succession Certificate by the petitioner.

For Petitioner : Mr.K.Premkumar

For Respondent : Mr.P.Tamilmani (For R1&R2)
Mr.K.N.Pandian (For R3)

O R D E R

Heard Mr.K.Premkumar, learned counsel for the petitioner and Mr.P.Tamilmani, learned counsel for the first and second respondent and Mr.K.N.Pandian, learned counsel for the third respondent.



2. The Petitioner claims to be a wife of one M.Velu, who was allotted a plot by respondents 1 and 2 in Manali New Town (EWS), wherein Plot No.96, Block No. 82C was allotted on 20.03.1990. The said Velu passed away on 08.12.2007. The Petitioner claims to be the sole legal heir, is placing reliance on the legal heirship certificate dated 08.09.2011 issued by the Tahsildar, Fort Tondiarpet Taluk.

3. The third respondent has impleaded herself in the writ petition, claiming that she is the lawfully wedded wife of Sri. M.Velu. In the affidavit filed in support of the impleading petition, the third respondent states that she is receiving family pension after the demise of her husband Sri. M.Velu, and she has got records, such as, Aadhar card and Ration card to prove that she is the lawfully wedded wife of Sri. M.Velu. She also enclosed a marriage invitation dated 11.03.1973 and forwarded the same to the second respondent. The second respondent is now insisting upon the succession certificate. However, first thing that the second respondent should do examine the correctness of the claims of the petitioner and the third respondent. Without doing so, unilaterally the second respondent should not direct the petitioner to approach the Court for succession certificate. Therefore, this court is inclined to remand back the matter to the second respondent.

4. For such reason, the impugned order is set aside and this writ petition is disposed of by directing the second respondent to issue notice to the petitioner and the third respondent calling upon them to appear in person along with the relevant documents to prove that they are lawfully wedded wife of the said M.Velu. The above direction shall be complied with by the second respondent, within a period of four weeks from the date of receipt of a copy of this order. Upon perusal of the documents, that may be produced and after afford an opportunity of personal hearing to all the parties, the second respondent shall pass an order on merits and in accordance with law. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

maya



To

1. Chennai Metropolitan Development Authority
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Egmore, Chennai- 600 008.

2. The Chief Executive Officer
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
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Egmore, Chennai - 600 008.

+2cc to Mr.K.Premkumar, Advocate SR.No.20053

+1cc to Mr.K.N.Pandian, Advocate SR.No.20258

W.P. No. 22074 of 2012

GMV (09/07/2020)