

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.7364 of 2017
and W.M.P.No.3429 of 2020

P.Isaac Nayomi

...Petitioner/First Respondent
in WMP 3429/2020

--Vs--

Cantonment Board, rep by its
The Chief Executive Officer,
Office of the Cantonment Board,
St.Thomas Mount,
Chennai 600 016
Respondent

...Respondent/Second
Respondent
in WMP 3429/2020

Prayer: Writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to effect name transfer with respect to the property namely house, ground and premises bearing Door No.8/119A, Rajapalayam Street, St.Thomas Mount, Chennai 16 namely an extent of 4700 sq.ft of house site with a building there on of an extent of 1200 sq.ft comprised in Survey Nos.290 and 291, GLRS Nos.155 and 156 following the petitioner's representation dated 20.03.2014 to and in favour of the petitioner from the name of Angadu, the original owner of the property.

For Petitioner : Mr.S.Sadashram

For Respondent : Mr.Chevanan Mohan for
M/s.King and Patridge

O R D E R

The petitioner has filed the above Writ Petition seeking to issue a Writ of Mandamus to direct the respondent to effect name transfer in respect of the property bearing Door No.8/119A, Rajapalayam Street, St.Thomas Mount, Chennai 16, measuring to an extent of 1200 sq.ft comprised in Survey Nos.290 and 291, GLRS

Nos.155 and 156, following his representation dated 20.03.2014 to and in favour of the petitioner from the name of Angadu, the original owner of the property.

2. Pending Writ Petition, W.M.P.No.3429 of 2020 is filed by one Krishnaiah to implead himself in the Writ Petition on the ground that he is the owner of the property. Admittedly, O.S.No.127 of 2013 on the file of the Sub Court, Tambaram is pending between the very same parties. The said suit is filed by the plaintiff for declaration and mandatory injunction. It is stated that the suit is ready for trial. While so, the petitioner has asked for the above said relief of direction to the respondent-Cantonment to effect the name transfer for the purpose of payment of tax.

3. As the title to the properties is under cloud, unless the suit is disposed of, the said name transfer cannot be effected and a direction cannot be issued to the respondent herein as prayed for. Therefore, without going into the merits of the case, the parties are directed to go before the Sub Court, Tambaram and get the hearing of the suit expedited and disposed of at the earliest. In view of the long pendency of the suit, the learned Sub Judge, Tambaram is directed to dispose of the suit in O.S.No.127 of 2013 pending on its file, within a period of one year from the date of receipt of a copy of this order. The parties are directed to co-operate for early disposal of the said suit.

4. With the above direction, the Writ Petition is disposed of. No costs.

5. As the parties are already before the Sub Court, Tambaram, the impleadment petition in W.M.P.No.3429 of 2020 is dismissed as unnecessary.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

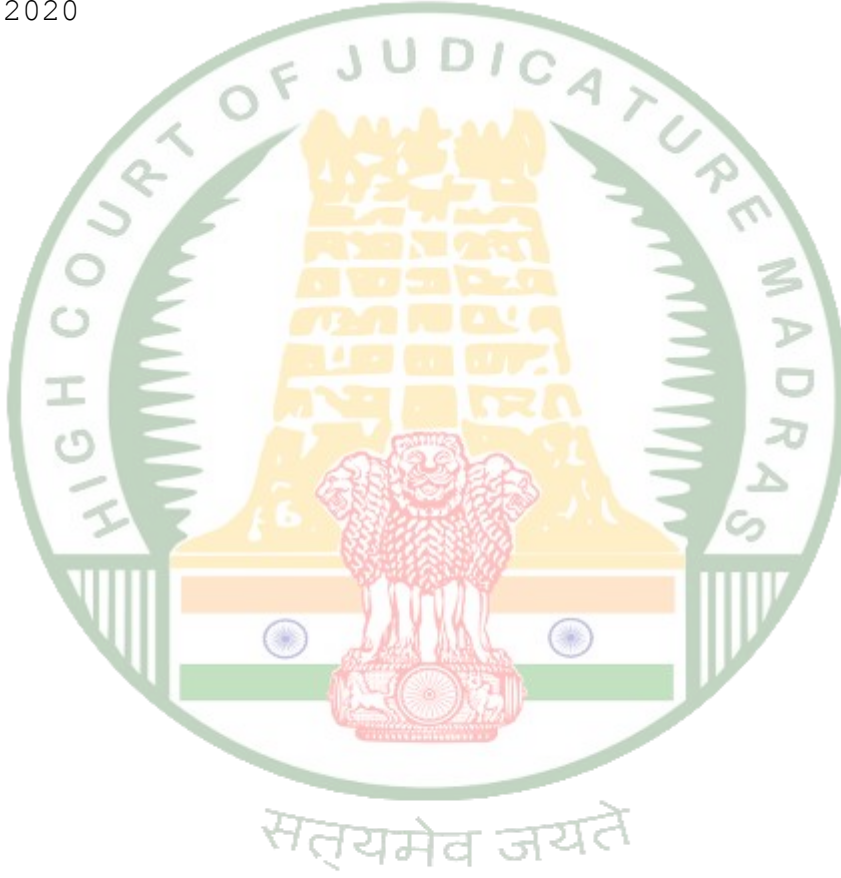
To

The Chief Executive Officer,
Cantonment Board, rep by its
Office of the Cantonment Board,
St.Thomas Mount, Chennai 600 016

+1cc to Mr.S.Sadasharam, Advocate, S.R.No.24433
+1cc to King & Portridge Counsel, Advocate, S.R.No.24459
+1cc to Mr.M.Thangadurai, Advocate, S.R.No.24642

W.P.No.7364 of 2017
and W.M.P.No.3429 of 2020

RLD (CO)
KKV/17/07/2020



WEB COPY