



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28440 of 2015

- 1.Mr.M.A.Abdul Rahman (Deceased)
- 2.M.A.Rasitha Begum
- 3.A.Asan Mohamed
- 4.A.Wahida

(P2 to P4 were added as Lrs of Deceased
petitioner vide order dated 21.10.2021
made in W.M.P.No.23378 of 2021
in W.P.No.28440 of 2015)

...Petitioners

Vs

1. The Member-Secretary,
Chennai Metropolitan Development Authority,
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.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to consider my Representation dated 24.02.2010 and also to direct the Respondent to permit the Petitioner to pay the balance sale consideration of two installments for the plot allotted (Plot No. B-64) originally to the petitioner in the year 1992.

For Petitioners : M/s.S.Suseela Devi

For Respondents : No appearance
[For R1 and R2]



O R D E R

The relief sought for in the present writ petition is to consider the petitioner's representation submitted by the petitioner on 24.02.2010 and direct the Respondents to permit the Petitioner to pay the balance sale consideration of two installments for the plot allotted (Plot No. B-64).

2. The representation submitted by the writ petitioner on 24.02.2010 reveals that the petitioner made a request to issue revised simplifying installments to pay the balance 50% of the plot cost.

3. This Court is of the considered opinion that the allotment of plot on certain terms and conditions is that contractual obligations between the parties and in order to resolve such issues, no writ needs to be entertained. This apart, by issuing a direction to consider the representation, the respondents cannot pass an order, accepting the claim of the petitioner or otherwise. Such mechanical approach is impermissible and issuing such nature of direction to consider the representations in the present case would do no service to the cause of justice. Such nature of transactions are to be adjudicated in a proper manner and if at all, the petitioner is eligible for any such easy installments, it is to be considered by the respondents and not by the High Court by entertaining the present writ petition. Thus, the petitioner is at liberty to approach the competent authority, if any grievance exists. However, the relief as such sought for in the present writ petition cannot be granted.

4. In order to resolve the disputes pertaining to contractual obligations, the parties are bound to approach the competent Court of Law as the same requires adjudication of documents and evidences including oral witnesses.

5. With this liberty, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Member-Secretary,
Chennai Metropolitan Development Authority,
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.

+1cc to Mrs.S.Suseela Devi, Advocate, S.R.No.53855

+1cc to the Government Pleader, S.R.No.54631

W.P.No.28440 of 2015

SVI (CO)
SU(26/11/2021)