

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

O.S.A.Nos. 175, 177 and 180 of 2020
and
C.M.P.No. 9051 of 2020

O.S.A.No. 175 of 2020:

1.M/s.Cee Dee Yes Housing and Infrastructure Private Ltd.,
(Formerly Cee Dee Yes Housing and Finance Ltd),
Rep. by its Managing Director,
No.42, 2nd Main Road,
Gandhi Nagar, Adyar,
Chennai - 600 020.

2.M/s.Cee Dee Yes Health Care Services Private Ltd.,
(Formerly Cee Dee Yes Standard Towers Pvt. Ltd.,)
Rep. by its Managing Director,
No.383 - Velachery - Tambaram Road,
Velachery, Chennai - 600 042.

3.C.Devadasasundaram

... Appellants

Vs

1.Regal Palm Garden Apartment Owners
Association (RPGAOA),
Represented by its Secretary,
No.383, Velachery - Tambaram Road,
Velachery, Chennai - 600 042.

2.M/s.Standard Fire Works Private Limited,
Represented by its Managing Director,
No.1/3, Thiruthangal Road,
Sivakasi - 626123.

3.The Special Tahsildar (Land Acquisition - Highways),
Mambalam - Guindy Taluk,
Singaravelar Maligai,
Chennai - 600 001.

4.The Tahsildar,
Velachery Taluk,
Velachery, Chennai - 600 042.

5.The Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
Thalamuthu Natarajan House,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.

6.M/s.Cee Dee Yes Property Services Private Limited,
Rep. by its Director Brunth D.Sundar,
No.42, 2nd Main Road,
Gandhi Nagar, Adyar, Chennai - 600 040. ... Respondents

PRAYER : Original Side Appeal filed under Clause 15 of Letters Patent read with Order XXXVI Rule 9 of the Original Side Rules, to set aside the order dated 16.12.2019 made in A.No. 8572 of 2019 in O.A.No. 848 of 2019 in C.S.No. 535 of 2019 and thereby allow the Original Side Appeal by granting the reliefs claimed therein.

For Appellants : Mr.R.Thiagarajan (Senior Counsel)
for Mr.R.Amardeep

For Respondents : Mr.S.Ramesh (For R1)
Mr.R.Udhayakumar (For R3 and R4)
Special Government Pleader (CS)
Mr.P.S.Ganesh (For R5)

O.S.A.No. 177 of 2020:

1.M/s.Cee Dee Yes Housing and Infrastructure Private Ltd.,
(Formerly Cee Dee Yes Housing and Finance Ltd),
Rep. by its Managing Director,
No.42, 2nd Main Road, Gandhi Nagar, Adyar,
Chennai - 600 020.

2.M/s.Cee Dee Yes Health Care Services Private Ltd.,
(Formerly Cee Dee Yes Standard Towers Pvt. Ltd.,)
Rep. by its Managing Director,
No.383 - Velachery - Tambaram Road,
Velachery, Chennai - 600 042.

3.C.Devadasasundaram ... Appellants
Vs.

Regal Palm Garden Apartment Owners
Association (RPGAOA),
Represented by its Secretary,
No.383, Velachery - Tambaram Road,
Velachery, Chennai - 600 042.

... Respondent

PRAYER : Original Side Appeal filed under Clause 15 of Letters Patent read with Order XXXVI Rule 9 of the Original Side Rules, to set aside the order dated 16.12.2019 made in A.No. 6914 of 2019 in C.S.No. 535 of 2019 and thereby allow the Original Side Appeal by granting the reliefs claimed therein.

For Appellants : Mr.R.Thiagarajan (Senior Counsel)
for Mr.R.Amardeep

For Respondent : Mr.S.Ramesh

O.S.A.No. 180 of 2020:

1.M/s.Cee Dee Yes Housing and Infrastructure Private Ltd.,
(Formerly Cee Dee Yes Housing and Finance Ltd),
Rep. by its Managing Director,
No.42, 2nd Main Road,
Gandhi Nagar, Adyar,
Chennai - 600 020.

2.M/s.Cee Dee Yes Health Care Services Private Ltd.,
(Formerly Cee Dee Yes Standard Towers Pvt. Ltd.,)
Rep. by its Managing Director,
No.383 - Velachery - Tambaram Road,
Velachery, Chennai - 600 042.

3.C.Devadasasundaram Appellants

Vs

1.Regal Palm Garden Apartment Owners
Association (RPGAOA),
Represented by its Secretary,
No.383, Velachery - Tambaram Road,
Velachery, Chennai - 600 042.

2.M/s.Standard Fire Works Private Limited,
Represented by its Managing Director,
No.1/3, Thirthangal Road,
Sivakasi - 626123.

3.The Special Tahsildar (Land Acquisition - Highways),
Mambalam - Guindy Taluk,
Singaravelar Maligai,
Chennai - 600 001.

4.The Tahsildar,
Velachery Taluk,
Velachery, Chennai - 600 042.

5.The Chennai Metropolitan Development Authority,

Rep. by its Member Secretary,
Thalamuthu Natarajan House,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.

6.M/s.Cee Dee Yes Property Services Private Limited,
Rep. by its Director Brunth D.Sundar,
No.42, 2nd Main Road,
Gandhi Nagar, Adyar, Chennai - 600 040. ... Respondents

PRAYER : Original Side Appeal filed under Clause 15 of Letters Patent read with Order XXXVI Rule 9 of the Original Side Rules, to set aside the order dated 16.12.2019 made in A.No. 8573 of 2019 in C.S.No. 535 of 2019 and thereby allow the Original Side Appeal by granting the reliefs claimed therein.

For Appellants : Mr.R.Thiagarajan (Senior Counsel)
for Mr.R.Amardeep

For Respondents: Mr.S.Ramesh (For R1)

Mr.R.Udhayakumar (For R3 and R4)
Special Government Pleader (CS)

Mr.P.S.Ganesh (For R5)

COMMON JUDGMENT

(Judgment of the court was made by N.KIRUBAKARAN.J.,)

These original side appeals have been filed by the appellants/defendants 1 to 3 aggrieved over the dismissal of the applications filed to reject the plaint by the first respondent herein.

2. Heard Mr.R.Thiagarajan, Learned Senior Counsel for Mr.R.Amardeep, Learned Counsel for the Appellants, Mr.S.Ramesh, Learned Counsel for the First Respondent, Mr.R.Udhayakumar, Learned Special Government Pleader (CS) for the Third and Fourth Respondents and Mr.P.S.Ganesh, Learned Counsel for the Fifth Respondent.

3. The suit in C.S.No.535 of 2019 was filed for the following prayers:-

" (a) Mandatory injunction directing the defendants 1 to 4 to specifically perform the terms of the Memorandum of Understanding dated 16.03.2015 by conveying the suit schedule property to the members of the plaintiff association and on failure convey the same to the Plaintiff by process of court, and

(b) Permanent injunction restraining the defendants 1 to 4, their heirs, successors in interest,

assigns or any person claiming through them from in any manner subdividing the schedule mentioned property by metes and bounds and maintain the same as per the composite plan granted by the 7th defendant dated 02.05.2002 in planning permit No.332."

4. In the said suit, applications in A.Nos.6914, 8572 and 8573 of 2016 have been filed by the First Respondent herein to reject the plaint and by separate order dated 13.02.2020 the same was dismissed.

5. When the matter taken up for hearing today, Mr.R.Thiagarajan, Learned Senior Counsel for Mr.R.Amardeep, Learned Counsel for the Appellants, seeks permission of this Court to withdraw these Original Side Appeals with liberty to file written statement within a period of four weeks and defend the suit. In this regard, a common memo dated 03.03.2021 has been filed by the Appellants, which is placed on record.

6. In view of the above, the Appellants are permitted to withdraw these Appeals and time is granted to the Appellants to file written statement on or before 31.03.2021.

Accordingly, these Original Side Appeals are dismissed as withdrawn by granting such liberty. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Special Tahsildar (Land Acquisition - Highways),
Mambalam - Guindy Taluk,
Singaravelar Maligai,
Chennai - 600 001.
- 2.The Tahsildar,
Velachery Taluk,
Velachery, Chennai - 600 042.
- 3.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan House,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.

4.The Sub Assistant Registrar
Original Side,
Madras High Court, Chennai.

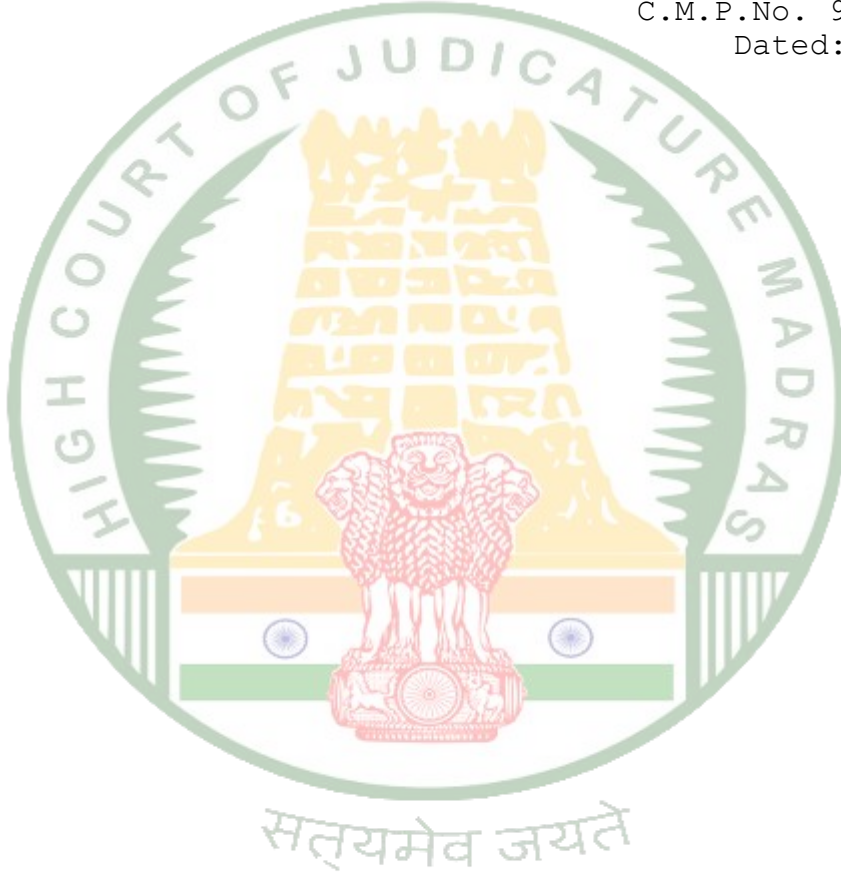
+1cc to Mr.S.Ramesh, Advocate SR.NO..13920
+1cc to The Special Government Pleader SR.NO..13468

AKM/18.03.21/ 6P-7C/

O.S.A.Nos. 175, 177 and 180 of 2020
and

C.M.P.No. 9051 of 2020

Dated: 03.03.2021



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