



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.1065 OF 2022

AND

WMP.NO.1125 OF 2022

1. Gowri
2. R.Rajendran
3. Vasanthi
4. Nagaraj
5. Chellappa

...Petitioners

vs.

1. The District Revenue Officer,
(Land Acquisition), Tamil Nadu Housing Board,
CMDA Building, E and C, Market Road,
Koyambedu, Chennai-600 107.
2. The Managing Director,
The Tamilnadu Urban Habitat Development,
Board NO.5, Kamarajar Salai,
Chennai-600 005.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue an order or direction or Writ and in particular Writ in the nature of a Writ of Mandamus Directing the 1st respondent to issue Allotment Letter and to execute the Sale Deed in favour of the petitioners based on the petitioners representations dated 06.12.2021.

For Petitioner : Mr.V.R.Karthikeyan

For Respondents : Mr.R.Bharathkumar R1
Mr.Prabhu R2



ORDER

The petitioner has filed this petition seeking direction to the 1st respondent to issue Allotment Letter and to execute the Sale Deed in favour of the petitioners based on the petitioners representations dated 06.12.2021.

2. The facts of the case are as follows:

The 1st and 2nd petitioner's father originally was allotted a residential plot from the respondents in the year 1956, for which, he paid the monthly installments to the Tamil Nadu Slum Clearance Board till his demise in the year 1986. After the demise of the petitioner's father, her mother R.Kowsalya has paid all statutory dues and she also died in the year 1995. The petitioners approached the second respondent to issue allotment order for the plot and also requested to issue sale deed. The second respondent sent reply to the petitioners' dated 22.07.2011 that his application seeking for allotment letter can be processes only after the second respondent receives Government Order from the first respondent. Thereafter, the petitioners' approached CMDA to issue NOC to issue allotment order as well as sale deed for the above said plot in favour of them. The CMDA has also issued NOC for issuance of the allotment order in respect of the mentioned property in favour of the petitioners. Further, the petitioners' given a detailed representation to the respondents dated 16.09.2019 and the same was not considered. Therefore. The petitioner's filed a writ petition W.P.Nos.19072/2020, 19290/2020 & 1861/2021 and the same was ordered vide order dated 22.02.2021 directed the respondents therein to consider the petitioner's representation dated 16.09.2019 within a period of 12 weeks. Till date, the same was not considered and therefore, the present writ petition has filed before this Court seeking appropriate remedy.

3. The learned counsel for the petitioner submitted that this court may consider the petitioner's representation and pass appropriate orders within the time as fixed by this Court.

4. The learned Standing counsel appearing on behalf of the respondents submitted that the representation will be considered and necessary orders will be passed within the time as fixed by this Court.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the respondents and perused the materials available on record.

6. Considering the facts and circumstances of the case and the limited request made by the petitioners, this Court passed



the following order:

(a) The petitioner is directed to make a fresh representation to the respondents along with all the relevant documents and also a copy of this order within a period of two weeks from the date of receipt of a copy of this order; and

(b) After receipt of such representation, the respondents shall consider the same and pass appropriate orders on merits and in accordance with law within a period of twelve weeks thereafter.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

Rli

To

1. The District Revenue Officer,
(Land Acquisition), Tamil Nadu Housing Board,
CMDA Building, E and C, Market Road,
Koyambedu, Chennai-600 107.
2. The Managing Director,
The Tamilnadu Urban Habitat Development,
Board NO.5, Kamarajar Salai,
Chennai-600 005.

+2ccs to Mr.B.Sharmila, Advocate, S.R.No.5321

+1cc to Mr.S.Prabhu, Advocate, S.R.No.5382

+1cc to the Government Pleader, S.R.No.5605

W.P. No.1065 of 2022
and WMP. No.1125 of 2022

MT (CO)

RLP (21/02/2022)