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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.22227 of 2015

Colonel K Malaiappan (Retd)

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
2. The Tamil Nadu Housing Board,
Represented by its Managing Director,
Anna Salai, Nandhanam,
Chennai - 600 035.
3. The Executive Engineer & Administrative Officer,
Tamil Nadu Housing Board,
Anna Nagar Division,
TNHB Shopping Complex,
Chennai - 600 101.
4. The Chennai Metropolitan Development Authority (CMDA),
Represented by its Member Secretary,
No.1 Gandhi Irwin Salai,
Egmore, Chennai - 600 008.
5. The Chennai Metro Water Supply & Sewerage Board,
Represented by its Managing Director,
Chintadripet, Chennai - 600 002.
6. The President,
The Green Garden Association,
384/6, L Block, Green Garden,
Anna Nagar, Chennai - 600 102.
7. A.Manickam
8. Janaki Arunkumar
9. A.Ramaswamy



10. A.Krishna Dev

11. Vinayagam

12. Prof. Srinivasan

13. Padmavathi

14. Charu Latha

15. Sreedharan

16. P.Krishnan

17. R.Govindan

18. Neelakantan

19. M/s.KGEYES Residency Private Limited,
Rep. by its Managing Director, P.V.Shanmugam,
'SRUSHTISSHAL' New No.10, 2nd Cross Street,
Raja Annamalaipuram, Chennai - 600 028. ... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent relating to issuance of the impugned order/Letter bearing No.7200/UD-VI(2)/ 2014-7 dated 28.05.2015 and the quash the same and consequently, direct the third respondent to prepare the Deed of Apartment for Green Garden Colony and register the same before the appropriate authority in terms of the provisions of Section 10 of the Tamil Nadu Apartment Ownership Act, 1994.

For Petitioner : M/s.R.Arumugam

For Respondent : M/s.M.Rajendran
No.1 Additional Government Pleader

For Respondent : M/s.R.Bharath Kumar
Nos.2 & 3 Standing Counsel

For Respondent : M/s.P.Veena Suresh
No.4 Standing Counsel

For Respondent : M/s.G.Janakiraman
No.5 Standing Counsel

For Respondent
Nos.6 to 18 : M/s.R.Parthasarathy



For Respondent : M/s.Nithyaesh & Vaibhav
No.19

O R D E R

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The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent relating to issuance of the impugned order/Letter bearing No.7200/UD-VI(2)/2014-7 dated 28.05.2015 and the quash the same and consequently, direct the third respondent to prepare the Deed of Apartment for Green Garden Colony and register the same before the appropriate authority in terms of the provisions of Section 10 of the Tamil Nadu Apartment Ownership Act, 1994.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner has already filed a suit and pursuing his remedy. During the pendency of the suit, the Writ Petition has been filed. Therefore, in view of the alternative efficacious remedy available, this Writ Petition is not maintainable. Accordingly, the same is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
2. The Managing Director TNHB,
Anna Salai, Nandhanam,
Chennai - 600 035.
3. The Executive Engineer & Administrative Officer,



Tamil Nadu Housing Board,
Anna Nagar Division,
TNHB Shopping Complex,
Chennai - 600 101.

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4. The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
No.1 Gandhi Irwin Salai,
Egmore, Chennai - 600 008.

5. The Managing Director,
Chennai Metro Water Supply & Sewerage Board,
Chintadripet, Chennai - 600 002.

+1cc to M/s.P.Veena Suresh, Advocate, S.R.No.28991
+1cc to Mr.R.Arumugam, Advocate, S.R.No.28741
+2cc to Mr.R.Parthasarathy, Advocate, S.R.No.29162
+1cc to the Government Pleader, S.R.No.29386

W.P.No.22227 of 2015

SR(CO)
SB(26/05/2022)