



WEB COPY

W.P.No.10510 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10510 of 2023

1.Mrs.A.Ramathilagam

... Petitioner

Vs.

The Chief Executive Officer,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to handover the possession Shop No.T/C/P-02 in Koyambedu Fruit Market, Koyambedu Whole Sale Complex in Koyambedu as per the Representation of the petitioner dated 27.02.2023.

For Petitioner

: Mr.M.Rajasekhar

For Respondent

: Mrs.R.Revathy
Standing Counsel [For CMDA]



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ORDER

The relief sought for in the present writ petitions is to direct the respondent to handover the possession Shop No.T/C/P-02 in Koyambedu Fruit Market, Koyambedu Whole Sale Complex in Koyambedu as per the Representation of the petitioner dated 27.02.2023.

2. The petitioner states that her husband Late Mr.V.Alagarsamy was allotted a shop No.T/C/P-02 on 17.11.1999 at koyambedu Market. After the death of her husband, the petitioner submitted an application to allot the said shop in her name, enabling her to run the business to lead her livelihood. The said application was not considered and thus, the petitioner is constrained to move the present writ petition.

3. The learned counsel for the respondent furnished the copy of the terms and conditions stipulated along with the allotment made in favour of the husband of the writ petitioner. As per Clause 17 “In case the allottees dies after getting possession from the vendor, the vendor shall transfer the benefit of this agreement in favour of the legal heirs of the allottee on obtaining proof of legal heirship and necessary documents for the recognition



of such heir". In the present case, the petitioner claims that she is the wife of the deceased allottee and therefore, she is entitled to get allotment on production of document.

4. That being the factum established, the petitioner is at liberty furnish all the relevant documents including legal heir certificate and death certificate of the allottees etc., and in the event of receiving all such documents, the respondent is directed to consider the case of the writ petitioner on merits and in accordance with law as expeditiously as possible. The said exercise is directed to be completed within a period of six (6) weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition stands disposed of. No costs.

06.04.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

The Chief Executive Officer,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

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S.M.SUBRAMANIAM, J.

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