



W.P.No.24221 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR JUSTICE P.DHANABAL**

**W.P.No.24221 of 2018
and WMP.Nos.28227 of 2018
and WMP.No.16850 of 2022**

M.Rajalakshmi

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep by its Secretary,
Housing & Urban Development Department,
Secretariat, Chennai-600 009.
- 2.The Tamil Nadu Housing Board,
Rep. By its Managing Director,
331, Anna Salai, Nandanam,
Chennai-600 035.
- 3.The Commissioner,
Hindu Religious & Chairtable Endowment Board,
Nungambakkam High Road,
Nungambakkam, Chennai-600 034.
- 4.Member Secretary,
CMDA, Egmore, Chennai.



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5.Shree Thiruvaleeswara Devasthanam,
by its Executive Officer,
Padi, Chennai-600 050.

6.The Tahsildar,
Ambattur. .. Respondents
(Suo Motu impleaded vide order dated 29.10.2018)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus directing the first respondent to dispose of the petitioner's representation dated 22.08.2018 within the time fixed by this Court.

For Petitioners : M/s.B.Manoharan

For Respondents : Mr.A.Selvendran,
Special Govt. Pleader for R1 & R6

Mr.D.Veerasekaran,
Standing Counsel for R2

Mr.K.Karthikeyan,
Government Advocate for R3

Mr.P.Veenasuresh,
Standing Counsel for CMDA for R4

Mr.P.Wilson,
for M/s.A.S.Kailasam Associates for R5



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ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

The writ petition has been filed for a Mandamus directing the first respondent to dispose of the petitioner's representation dated 22.08.2018 within a stipulated time.

2. The petitioner has filed the writ petitioner in her individual capacity alleging that the second respondent, without any approval, has constructed multi storied residential complex and left small portion for OSR area and park purpose and therefore, he has made a representation dated 22.08.2018 to the official respondents, but so far no action has been taken and therefore, he has filed the instant writ petition.

3. The learned counsel appearing for the writ petitioner would submit that pending the writ petition, the writ petitioner died and he has filed WMP.No.16850 of 2022 to bring the President, Thiruvaleeswar Nagar Cooperative Housing Society Ltd., who is a third party, to be substituted in the place of the deceased writ petitioner.



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4. The learned counsel for the Tamil Nadu Housing Board / second respondent strongly objected that deceased writ petitioner is no way connected with the Cooperative Housing Society and as such, the President of the Cooperative Housing Society has no legal right to get substituted in the place of the deceased writ petitioner, who has filed the writ petition in her individual capacity.

5. In the light of the above, the Writ Petition stands dismissed as abated. No costs. Consequently connected miscellaneous petitions are dismissed.

(D.K.K., J.) (P.D.B., J.)
06.06.2023

Intex : Yes/No

Internet : Yes/No

Jvm

To

1. The Secretary,
The Government of Tamil Nadu,
Housing & Urban Development Department,
Secretariat, Chennai-600 009.



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- 2.The Managing Director,
The Tamil Nadu Housing Board,
331, Anna Salai, Nandanam, Chennai-600 035.
- 3.The Commissioner,
Hindu Religious & Chairtable Endowment Board,
Nungambakkam High Road,
Nungambakkam, Chennai-600 034.
- 4.Member Secretary,
CMDA, Egmore, Chennai.
- 5.The Executive Officer,
Shree Thiruvaleeswara Devasthanam,
Padi, Chennai-600 050.
- 6.The Tahsildar,
Ambattur.

D.KRISHNAKUMAR, J.



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and
P.DHANABAL, J.

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