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C.M.P.No.4823 of 2023 in W.A.SR.No.113802 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.M.P.No.4823 of 2023 in W.A.SR.No.113802 of 2022

A.C.Sarangan (Deceased)

through LR's

1. Mrs.Manogari

W/o (late) A.C.Sarangan

2. Mr.Yuvaraj

S/o (late) A.C.Sarangan

3. Ms.Vanitha

D/o (late) A.C.Sarangan

4. Ms.Sangeetha

D/o (late) A.C.Sarangan

(LR's brought on record vide order dated

16.08.2021 in WMP No.1761 of 2021 in

WP No.1227 of 2019)

..

Petitioners

-VS-

1. Mrs.R.Usha

2. The Member Secretary

Chennai Metropolitan Development Authority

No.8, Gandhi Irwin Road

Egmore, Chennai 600 008

..

Respondents



C.M.P.No.4823 of 2023 in W.A.SR.No.113802 of 2022

Civil Miscellaneous Petition filed under Section 5 of the Limitation Act seeking to condone the delay of 128 days in filing the above Writ Appeal.

Appeal filed under Clause 15 of the Letters Patent, against the order dated 16.09.2021 made in W.P.No.1227 of 2019.

For Petitioners :: Mr.V.Hari Dass

For Respondents :: Mr.R.Sivakumar
 Standing Counsel for R2/CMDA

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

C.M.P.No.4823 of 2023 has been filed by the petitioners seeking to condone the delay of 128 days in filing the Writ Appeal SR.No.113802 of 2022, against the order dated 16.09.2021 in Writ Petition No.1227 of 2019.

2. When the Writ Petition No.1227 of 2019 was filed by Mrs.R.Usha, the first respondent herein seeking issuance of a mandamus directing the Member Secretary, Chennai Metropolitan Development Authority (CMDA) to issue the sale deed in her favour for the shop Type C-1, Shop B-35 at Koyambedu Wholesale Flower Market Complex, Chennai, on the premise



C.M.P.No.4823 of 2023 in W.A.SR.No.113802 of 2022

WEB COPY

that the Second Appeal No.694 of 2009 was allowed in her favour by the judgment and decree dated 18.02.2015, the learned single Judge, taking into account that there is a prima facie case in favour of the writ petitioner on the basis of the judgment and decree dated 18.02.2015 passed in Second Appeal No.694 of 2009, has directed the second respondent herein to consider the representation of the writ petitioner dated 26.09.2018.

3. In that view of the matter, finding no sufficient cause, we do not find any merit to entertain this civil miscellaneous petition at the instance of the petitioners to condone the aforementioned delay. Therefore, the civil miscellaneous petition is dismissed. Consequently, W.A.SR.No.113802 of 2022 stands rejected.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.B.C.,J.)

Index : yes/no

14.03.2023

SS



C.M.P.No.4823 of 2023 in W.A.SR.No.113802 of 2022

WEB COPY

- To
1. The Member Secretary
Chennai Metropolitan Development Authority
No.8, Gandhi Irwin Road
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Chennai 600 008



WEB COPY



C.M.P.No.4823 of 2023 in W.A.SR.No.113802 of 2022

THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

SS

C.M.P.No.4823 of 2023 in
W.A.SR.No.113802 of 2022

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