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W.P. No. 5491 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 5491 of 2024

and

W.M.P. No. 6070 of 2024

V.J.Ramesh

... Petitioner

-VS-

1. The Commissioner,
The Greater Chennai Corporation,
Ripon Building,
Poonamallee Road,
Periyamet,
Chennai – 600003.
2. Vijay
3. Arihant Castle Owner's Association,
Rep by its President,
Vinod Keshwani,
Flat No. 4B, No. 72, Landons Road,
Kilpauk, Chennai – 600 010.
4. Arihant Foundations & Housing Ltd.,
Rep. by its Managing Director,
Kamal Lunawath,
New No. 3, Old No. 25, Ganapathy Colony,
3rd Land, Off Cenetaph Road,
Teynampet,
Chennai – 600 018.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to hand over the Petitioner's land in Survey No. 106/4E situated at Karuppampulam Village, Vedaranyam Taluk, Nagapattinam District based on the Petitioner representation dated 28.11.2023.

For Petitioner : Mr. K.Ganeshkumar

For Respondents : Mrs. S.Vanitha Joice Rani (for R1)

ORDER

Heard Mr. K.Ganeshkumar, Learned Counsel appearing for the Petitioner and Mrs. S.Vanitha Joice Rani, Learned Counsel takes notice for the First Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Second to Fourth Respondents, notice to them is dispensed with.

3. The grievance ventilated by the Petitioner is that he had made a representation dated 16.11.2023 to the First Respondent to ensure that appropriate repair works are carried out by the Second Respondent to prevent



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water seeping into his apartment, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

4. Having regard to the limited nature of relief sought, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 16.11.2023 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed and conduct necessary inspection of the site following the prescribed procedure;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 10 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions



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raised on merits and in accordance with law and the decision taken

communicated under written acknowledgment; and

- (v) the report of such compliance shall be filed by 31.08.2024 before the Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

01.03.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 18.04.2024.

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To

1. The Commissioner,
The Greater Chennai Corporation,
Ripon Building,
Poonamallee Road,
Periyamet,
Chennai – 600003.

Copy to

1. The Registrar (Judicial),
Madras High Court, Chennai – 600 104.
2. Vijay,
Flat No. 2A, 2B, Arihant Castle,
12, Landons Road, Behind Ega Theatre,
Kilpauk, Chennai – 600 010.



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3. The President,
Arihant Castle Owner's Association,
Vinod Keshwani,
Flat No. 4B, No. 72, Landons Road,
Kilpauk, Chennai – 600 010.
4. The Managing Director,
Arihant Foundations & Housing Ltd.,
Kamal Lunawath,
New No. 3, Old No. 25, Ganapathy Colony,
3rd Land, Off Cenetaph Road,
Teynampet,
Chennai – 600 018.
5. V.J.Ramesh,
S/o. V.S.Jayaveeran,
Flat No. 1B, Arihant Castle,
12, Landons Road, Behind Ega Theatre,
Kilpauk,
Chennai – 600 010.



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P.D. AUDIKESAVALU, J.

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