



W.P.No.11498 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2024

CORAM:

THE HON'BLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.11498 of 2024

R.Chithra

... Petitioner

Vs.

1.The Principal Secretary to Government,
Housing and Urban Development Department,
Fort. St. George,
Chennai 600 009.

2.The Chennai Metropolitan Development Authority,
Represented by its Member Secretary,
No.9, Gandhi-Irwin Road,
Egmore, Chennai 600 008.

3.M/s.The Chennai Metropolitan Co-operative Housing Society,
No.50, Ritherdon Road,
Vepery, Chennai 600 007.

4.The Registrar Co-opertive Society (Housing),
Nandanam, Chennai 600 035.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent herein to physically demarcate the extent of 4340 sq.ft as per the registered sale deed executed by the 3rd respondent vide sale deed dated 19.07.2006 registered as document No.8600/2006 on the file of the Sub-Registrar, Ambattur, or in the alternative direct the respondents herein to allot and execute a sale deed conveying the short fall extent in favour of the petitioner in the very same



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scheme or in any other approved layouts developed by the third respondent society equal to the cost of the present market value of the short fall land.

For Petitioner : Mr.R.Balaramesh

For Respondents : Mrs.P.Veena Suresh,
Standing Counsel (CMDA) for R2
Mr.R.P.Muruganraja, GA for R1 & R4
Mrs.C.Meera Arumugam, AGP for R3

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the 3rd respondent herein to physically demarcate the extent of 4340 sq.ft as per the registered sale deed executed by the 3rd respondent vide sale deed dated 19.07.2006 registered as document No.8600/2006 on the file of the Sub-Registrar, Ambattur, or in the alternative, direct the respondents herein to allot and execute a sale deed conveying the short fall extent in favour of the petitioner in the very same scheme or in any other approved layouts developed by the third respondent society equal to the cost of the present market value of the short fall land.

2. The case of the petitioner is that the petitioner has purchased the subject property bearing Plot No.223, admeasuring an extent of 4340 Sq.ft., from the third respondent and registered the same as Document No.8600/2006 on the file of the Sub Registrar Office, Ambattur. Thereafter,



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the petitioner made an application for issuance of patta for the said property, but to utter shock, she was informed that only for an extent of 2723 Sq.ft., the patta could be granted as per land revenue record. Due to which, there occurred a short fall of 1617 Sq.ft of land to the petitioner. On enquiry, it was informed to the petitioner that the third respondent Society has made application for layout sanction including the water catchment area and the approval was sanctioned and approved by the second respondent without due verification and inspection.

3. In such circumstances, the petitioner made a representation on 18.02.2021 to the third respondent Society seeking to allot the suitable land of shortfall occurred in the subject property in the same scheme or in any other scheme available with them. Since no response was forthcoming from the third respondent for the representation submitted by the petitioner, the petitioner gave a representation to the fourth respondent to allot the shortfall land area occurred in the registered sale by conveying the land to her as said above. But the same was not considered till date. Hence, the petitioner is before this Court.

4. The third respondent filed a counter and it is submitted by the



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learned Additional Government Pleader for the third respondent that this Writ Petition is not maintainable and the claim of the petitioner is unsustainable by efflux of time. He further submitted that the landowners who have brought land for the scheme have already received their entire consideration based on the sale made and went away. The third respondent cannot be responsible for the liability after the sale was being made in the year 2006, that too, after a lapse of 15 years. However, the grievance of the petitioner is addressed to the Registrar (Housing), Chennai through the Deputy Registrar (Housing), Chennai Zone in their proceedings dated 22.06.2022 seeking to resolve the issue on hand and the same is still pending.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the third respondent and perused the materials available on record.

6. Since the fourth respondent is the competent authority to decide the issue on hand and the proceedings are pending before the fourth respondent, this Court is of the view that the fourth respondent should be directed to pass appropriate orders.

7. Accordingly, this Writ Petition is disposed of and the fourth



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respondent is directed to consider the representation of the petitioner dated

12.06.2023 and pass appropriate orders within a period of twelve weeks

from the date of receipt of a copy of this order. No costs.

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Index:Yes/No

Speaking / Non- speaking order

gsk

To

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V.BHAVANI SUBBAROYAN J.

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