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W.P. No. 24147 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

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

W.P. No. 24147 of 2018

and

W.M.P. No. 28133 of 2018

Jains Pebble Brook Flat Owners Association-Phase 1,
Represented by its Secretary,
Having registered office at Jains Pebble Brook,
Sakthi Garden 1st Cross Street, Okkiyiam Pettai,
Thoraipakkam, Chennai - 600 097.

... Petitioner

-VS-

1. The Member - Secretary,
CMDA,
No. 1, Gandhi Irwin Salai,
Egmore,
Chennai - 600 008.
2. The Inspector of Police,
Kannagi Nagar Police Station,
Chennai - 600 097.
3. M/s. Jain Housing,
Represented by its Partners,
Sandeep Mehta, Sachin Mehta, Padma Kavar Mehta and Sangeeta Mehta,
A Partnership Firm,
Having Corporate Office at No. 98/99, Habibullah Road,
T. Nagar,
Chennai - 600 017.
4. A.Shanmugam
5. J.Premila Ashokraj
6. S.Sathyanarayan



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7. Karthikeyan Murugesan

8. Rangamannar

9. Arunkumar Arokiasamy

(R4 to R9 are impleaded vide order
dated 13.02.2024 in W.M.P. No. 2543 of 2024)

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records in relation to the amended plan approved by the First Respondent bearing No. PP.No.B/Spl. Bldg./480(1 to 34)/2013 in Letter No. B2/13682/2011 dated 23.12.2013 and quash the same as illegal.

For Petitioner : Mr. K.N.Arun Prasad

For Respondents : Mr. C.N.Vinobha,
Standing Counsel (for R1)

Mr. J.Subbiah,
Government Advocate (Criminal Side)
(for R2)

Mr. T.Gowthaman, Senior Counsel
for M/s. B.Srujana (for R3)

Mr. Niranjana Rajagopalan
for M/s. G.R. Associates (for R4 to R9)

ORDER

Heard Mr. K.N.Arun Prasad, Learned Counsel for the Petitioner, Mr. C.N.Vinobha, Learned Standing Counsel appearing for the First Respondent, Mr. J.Subbiah, Learned Government Advocate (Criminal Side) appearing for the Second Respondent, Mr. T.Gowthaman, Learned Senior



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Counsel appearing for the Third Respondent and Mr. Niranjana Rajagopalan,

Learned Counsel for the Fourth to Ninth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition was filed on 10.09.2018 when the affidavit filed in support of the Writ Petition and the vakalat had been signed by Mrs. Premila Ashokraj as the Secretary of the Association of the Petitioner.

3. A letter dated 23.01.2024 was received from Ms. S.Karpagapriya, Learned Counsel enclosing a letter from the Secretary of the Association of the Petitioner stating that the General Body of the Association of the Petitioner on 24.12.2023 decided to withdraw the Writ Petition and the matter has been posted before the Court for withdrawal.

4. In the meanwhile, an application in W.M.P. No. 2543 of 2024 had been filed on 18.01.2024 by the Fourth to Ninth Respondents seeking to be impleaded in the Writ Petition raising the contention that they were the erstwhile office bearers of the Association of the Petitioner when the Writ Petition was filed and in the subsequent election, another set of persons had been elected and hence, they are not in agreement with the resolution of the



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General Body of the Association of the Petitioner to withdraw the Writ Petition.

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5. The materials placed before the Court show that the General Body of the Association of the Petitioner has taken decision to withdraw the Writ Petition and Learned Counsel for the Petitioner has made an endorsement to that effect in the court record.

6. In view of the same, the Writ Petition has to be permitted to be withdrawn. However, it is made clear that it would not preclude the Fourth to Ninth Respondents, if they have grievance, from working out their remedies in appropriate legal proceedings in the manner recognized by law and no view has been expressed by the Court on the merits of the controversy involved in the matter.

In the result, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No
NCC: Yes/No



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Note: Issue order copy by 23.04.2024.

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To

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1. The Member - Secretary,
CMDA,
No. 1, Gandhi Irwin Salai,
Egmore,
Chennai - 600 008.
2. The Inspector of Police,
Kannagi Nagar Police Station,
Chennai - 600 097.



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P.D. AUDIKESAVALU, J.

vjt

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