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W.P.No.15828 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

W.P.No.15828 of 2024

1. R. Munivel
2. U. Karpagam
3. C. Manimegalai @ Rebecca

... Petitioners

Vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Gandhi Irwin Road, Egmore, Chennai - 600 008.

2. The Chairman,
Tamil Nadu Urban Habitation Board,
Chennai - 600 011.

3.The Commissioner,
Corporation of Chennai,
Ribbon Building, Chennai.

4. A.Michael
- 5.A.Jesudass
- 6.A.Arokia Swamy
- 7.A.Augustine
- 8.A. John
- 9.A. James
- 10.A. Pouline Mary
- 11.J.Arokia Aruna

... Respondents



W.P.No.15828 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to dispose the petitioner's representation dated 12.09.2023 by the 1st respondent.

For Petitioners : Mr.R.Sadasivam

For Respondents : Mrs.P.Veenasuresh
Standing Counsel
for R1

Mrs.K.Indumathy Venkatesh
Standing Counsel
for R2

Mr. H. Shabeer Ali
for R5 and R10

Mr.P.Sidharthan
for R11

R3, R4, R6, R8 and R9-Notice Served

R7 - Not ready in notice

ORDER

Writ Petition has been filed for a direction, directing the 1st respondent to dispose of the representation dated 12.09.2023 submitted by the petitioner seeking allotment of property comprised in Town Survey No.4835 and 4836, Block No.111, G N Chetty Road, T Nagar, Chennai.



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2. Originally the subject property was allotted in favour of the petitioner and his family members dated 05.03.1981. Subsequently, on 17.11.1984, the 2nd respondent allotted the same to the petitioner's family members. Though, the petitioner's family members approached the second respondent for execution of sale deed or title deed, no settlement deed was executed.

3. Now, the 3rd parties are trying to develop the said land by creation of documents. Therefore, the petitioners submitted a representation dated 12.09.2023 seeking allotment of the subject property and also take action as against the private respondent Nos.4 to 11 herein.

4. The learned counsel for the respondent No.11 would submit that originally the subject land belongs to the third respondent and it was sold out in favour of one Krishnadoss Lala and his brother which was registered vide Doc.No.52 of 1994. However, the Tamil Nadu Government wrongly included the said property also in an area and declared the same as slum area by an order dated 01.12.1972. Therefore, the same was challenged before this Court in W.P.No.1283 of 1989 for a direction to de-notify the



subject land. The Writ Petition was allowed by order dated 10.01.1990.

5. In the meanwhile, the subject land was allotted to various third parties by the slum clearance board. Therefore, a writ appeal was filed in W.A.No.272 of 1990 and the same was dismissed by a judgment and order dated 21.03.1990. In the meanwhile, a suit was filed by the original owner of the property and the same was also dismissed vide suit in O.S.No.14770 of 1996 by the Judgment and Decree dated 13.04.1998. Aggrieved by the same, an appeal suit was filed in A.S. No.441 of 1998 and the person who claimed the subject property also filed cross objection in Cros. Obj.No.33 of 2000. Finally, the appeal suit was allowed and the original purchaser viz., the 11th respondent is in possession and enjoyment of the said property. Therefore, the petitioner is neither the allottee nor in possession of the said property.

6. In view of the above, the representation submitted by the petitioner cannot be considered and the writ petition is liable to be dismissed. Accordingly, this writ petition is dismissed. No Costs.

24.10.2024

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
ab



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