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W.P.No.18469 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.18469 of 2024

A.V.Madan Mohan

... Petitioner

Vs.

1. The Member Secretary,
Chennai Metropolitan Development Authority,
2. The Senior Estate Officer,
Chennai Metropolitan Development Authority,

Both having their office at
No.1, Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road,
Egmore, Chennai – 600 008.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to issue the sale deed in favour of Kaja Polisetty Amara Prakasa Rao & Co., represented by its duly authorised partner A.V.Madan Mohan.

For Petitioner : Mr.R.Hashwanth

For Respondents : Mr.Akhil Akbar Ali
Standing Counsel



W.P.No.18469 of 2024

ORDER

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This writ petition has been filed for direction directing the respondents to execute sale deed in favour of Kaja Polisetty Amara Prakasa Rao & Co., represented by the petitioner, in respect of shop No.61, Type-II in the Koyembedu Food Grains Market, Chennai.

2. The petitioner is the partner of Kaja Polisetty Amara Prakasa Rao & Co., and another partner one Adiekoteswara Rao, on behalf of the partnership firm, applied for allotment of shop in Koyembedu food grains market vide application No.FGM 215 dated 09.07.2003. He was allotted a shop No.61, type-II in Koyembedu market, Chennai. In fact, he signed in the name of the partnership firm and represented himself as one of the partner. Thereafter, the entire sale consideration was paid in favour of the respondents in the name of the partnership firm.

3. While being so, the then partner Adiekoteswara Rao died on 23.10.2017 and therefore, the partnership firm was dissolved and new partnership deed was entered between the existing partners on 25.10.2017, wherein the wife of the deceased partner was inducted as a new partner in the partnership firm. Later the wife of the said



W.P.No.18469 of 2024

Adiekoteswara Rao, retired from the said partnership firm vide Deed of Retirement dated 01.04.2022. On the same day, fresh partnership deed has been re-constituted in which, son of the deceased partner has been inducted as partner. At present, there are 14 partners in the said firm including the legal heir of the deceased original partner viz., Adiekoteswara Rao and now they made request to execute sale deed in favour of the partnership firm. However, no sale deed has been executed so far. Hence, the petitioner, being one of the partner of the partnership firm, filed the present writ petition with the above prayer.

4. The learned Standing Counsel appearing for the respondents submitted that the original allottee now died and the request made by the petitioner for execution of sale deed in the name of the partnership firm cannot be done, since the shop was allotted in the name of the person in his individual capacity. Originally the shop No.61 was allotted in his favour and subsequent he died.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



W.P.No.18469 of 2024

6. On perusal of the application submitted by the then partner Adiekoteswara Rao, he applied for allotment of shop in the name of the partnership firm and he represented on behalf of the partnership firm. After allotment he died on 23.10.2017. Thereafter, by inducting new partners, new partnership deed has been entered into and now the partnership firm represented by the petitioner with request to execute sale deed in the name of the partnership firm. In fact, the son of the deceased partner is also one of the partner in the partnership firm. Therefore, there is absolutely no prejudice would be caused, if the sale deed executed in the name of the partnership firm.

7. In view of the above discussions, the petitioner is directed to produce the partnership deed and all other documents before the respondents and on production of such documents, the respondents are directed to execute the sale deed in favour of the partnership firm, within a period of two weeks from the date of receipt of the document.

8. With the above directions, the Writ Petition stands disposed of. There shall be no orders as to costs.



W.P.No.18469 of 2024

29.10.2024

WEB COPY

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

rts

To

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Chennai Metropolitan Development Authority,
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Gandhi Irwin Road,
Egmore, Chennai – 600 008.
2. The Senior Estate Officer,
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W.P.No.18469 of 2024

G.K.ILANTHIRAIYAN. J,

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W.P.No.18469 of 2024

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