



W.P.No.21713 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2024

CORAM:

**THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN**

**W.P.No.21713 of 2024**

R.Saraswathi

...Petitioner

Vs

1. The Commissioner,  
Chennai Municipal Corporation Commissioner Office,  
Rippon Building, No.1131, EVR Periyar Salai,  
Park Town, Chennai – 600 003.

2. The Executive Engineer,  
Greater Chennai Corporation  
zone VIII, 2<sup>nd</sup> Street East,  
Pulla Avenue, Shenoy Nagar,  
Chennai – 600 030.

3. The Sub registrar  
Chennai Central  
Kodambakkam,  
No.37/5, Alagiri Nagar, 5<sup>th</sup> Street,  
100 feet Road, Koyambedu  
Chennai – 600 024.

...Respondents



W.P.No.21713 of 2024

WEB COPY

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to pass orders for accepting the gift deed executed by the petitioner in favour of the first respondent and consequently direct the 3<sup>rd</sup> respondent to register the gift deed pending in document No.P/Kodambakkam/35/2024 and release the document to the petitioner within the time frame fixed by this Court and pass orders.

For Petitioner : Mr. T. Karthick Srinath for  
Mrs/K.M. Vijayan Associates

For Respondents 1 and 2 : Mrs.Aswini  
Standing Counsel

For Respondent – 3 : Mr.M. Shahjahan

### **ORDER**

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to pass orders for accepting the gift deed executed by the petitioner in favour of the first respondent and consequently direct the 3<sup>rd</sup> respondent to register the gift deed pending in document No.P/Kodambakkam/35/2024 and release the document to the petitioner within the time frame.



W.P.No.21713 of 2024

WEB COPY

2. Mrs.Aswini, Standing Counsel takes notice for the first and second respondents. Mr.M.Shahjahan, Special Government Pleader takes notice for the third respondent. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner and his sister are the owners of the property to an extent of 11 cents i.e 4800 sq.ft comprised in T.S.No.8, Block No.1, situated at Puliur Village Vinayagapram 3<sup>rd</sup> street, Egmore-Nungambakkam Taluk, Chennai. It is pertinent to note that the second respondent have encroached 4 feet x 120 feet area in the petitioner's land and formed a road which is evident from the surveyor report issued by the Tahsildar, Egmore. As the said road is not legally acquired by the second respondent for forming a road, the petitioner and her sister presented a gift deed before the registrar to execute the gift deed and the same was not accepted and kept pending as Document no.P/Kodambakkam/35/2024 and instructed the petitioner to obtain orders from the first respondent to register and release the same. Hence, the petitioner has given a representation to the second respondent



W.P.No.21713 of 2024

WEB COPY

who intum sought permission from the first respondent. Therefore, the petitioner has given a representation on 09.07.2024. However, the same was not considered. Hence this petition.

4 The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the second and third respondents to consider the petitioner's representation dated 09.07.2024 and pass orders.

5. The learned standing counsel appearing for the first and second respondents submitted that they will consider the case of the petitioner and take action in the manner known to law.

6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 09.07.2024 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.



W.P.No.21713 of 2024

WEB COPY

7. With the aforesaid direction, this Writ Petition stands disposed  
of. No costs.

**31.07.2024**

Index: Yes/No

Speaking order/Non-speaking order

smn

To

1. The Commissioner,  
Chennai Municipal Corporation Commissioner Office,  
Rippon Building, No.1131, EVR Periyar Salai,  
Park town, Chennai – 600 003.

2. The Executive Engineer,  
Greater Chennai Corporation  
zone VIII, 2<sup>nd</sup> Street East,  
Pulla Avenue, Shenoy Nagar,  
Chennai – 600 030.

3. The Sub registrar  
Chennai Central  
Kodambakkam,  
No.37/5, Alagiri Nagar, 5<sup>th</sup> Street,  
100 feet Road, Koyambedu  
Chennai – 600 024.



WEB COPY



W.P.No.21713 of 2024

**V.BHAVANI SUBBAROYAN,J.**

smn

**W.P.No.21713 of 2024**

31.07.2024