



WEB COPY



W.P. No. 29463 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

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

W.P. No. 29463 of 2023

and

W.M.P. No. 29080 of 2023

1. K.Gopalakrishnan

2. S.Natarajan

3. S.Radhalakshmi

4. K.S.Gandhimathi

5. Karthik Narayanan

6. G.Naganathan

7. S.Sri Ranjini

8. N.Suresh

9. Saranathan

... Petitioners

-vs-

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai – 600003.

2. District Revenue Officer /
Zonal Officer,
Zone – 10, No. 117, NSK Road,
Kodambakkam,
Chennai – 600024.



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3. Assistant Executive Engineer,
Greater Chennai Corporation,
Zone – 10, No. 64, NSK Salai,
Kodambakkam,
Chennai – 600024.

4. U.A.Sivaramakrishnan

5. Rajalakshmi

6. Mathangi Construction,
Represented by its Proprietor,
P.K.Venghuadun @ P.K.Venkat, No. 24,
Shre Amurutham Nilayam,
Nethaji Street, Saidapet,
Chennai – 600015.

(R16 – Impleaded vide Order dated 22.12.2023
made in W.M.P. No. 36233 of 2023 in
W.P. No. 29463 of 2023 by PDAJ)

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Third Respondent to issue orders for demolition of Apartment at Old No. 18, New No. 3, Block No. 39, TS No. 15, Vivekanandhapuram First Street, West Mambalam, Chennai – 600003 based on the online application given by Petitioners to the Third Respondent vide application No. DA/WDCN10/00438/2023 dated 13.05.2023.

For Petitioners : Mr. B.Govindaprabu

For Respondents : Ms. K.Ashwini Devi (for R1 to R3)
Mr. S.Suresh (for R4)
Mr. A.K.Rajaraman (for R5)
Mr. S.Abdul Kadhar (for R6)



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ORDER

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Heard Mr. B.Govindaprabu, Learned Counsel for the Petitioners, Ms. K.Ashwini Devi, Learned Counsel appearing for the First to Third Respondents, Mr. Suresh, Learned Counsel appearing for the Fourth Respondent, Mr. A.K.Rajaraman, Learned Counsel appearing for the Fifth Respondent and Mr. S.Abdul Kadhar, Learned Counsel appearing for the Sixth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners have sought for a direction to the Third Respondent to issue order for demolition of Apartment at Old No. 18, New No. 3, Block No. 39, TS No. 15, Vivekanandhapuram First Street, West Mambalam, Chennai – 600033 based on the online application No. DA/WDCN10/00438/2023 dated 13.05.2023 made by the Petitioners to the Third Respondent in this Writ Petition.

3. However, as the matter, in essence, appeared to be private dispute relating to the property rights between the Petitioner and the Fourth to Sixth Respondents, it was referred to mediation by order dated 22.12.2023, and the



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contesting parties have entered into a settlement agreement dated 19.01.2024,

which reads as follows:-

1. Disputes and differences had arisen between the parties hereto and Writ Petition with W.P. No. 29463 of 2023 was filed before Hon'ble High Court of Judicature at Madras.
2. The matter was referred to mediation/conciliation vide an order dated 22.12.2023 passed by Hon'ble High Court of Judicature at Madras.
3. The parties agreed that Ms. V.Ahalya would act as their Mediator/Conciliator.
4. Several meetings were held during the process of Mediation/Conciliation from 03.01.2024 to 18.01.2024 and the parties have with the assistance of the Mediator/Conciliator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.
5. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator/Conciliator.



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6. The following settlement has been arrived at between the parties hereto:-

- A. The Petitioners appeared in the High Court Mediation through out the meetings and cooperated and unanimously agreed to the following terms and conditions along with other Respondents. The Third and Fifth Petitioners have given authorization letter to the Sixth Petitioner to appear before the mediation and to sign the settlement agreement.
- B. The Fourth and Fifth Respondents shall cooperate with the Petitioners in every stage of redevelopment process of the apartments requisite applications, signing of revised Memorandum of Understanding/revised Joint Venture Agreement with the Sixth Respondent (Builder) and other miscellaneous process.
- C. The Fourth Respondent hereby undertakes to sign in the application for demolition and reconstruction and in future applications if any with regard to redevelopment of Apartments as and when required.
- D. Due to financial instability of the Fourth Respondent the shifting and re-shifting of movables of the Fourth Respondent shall be carried out by the Sixth Respondent (Builder) as per the request of the Fourth Respondent (including shifting & refitting of Air conditioners and others)
- E. The request of the Fourth Respondent to reinstate the modular kitchen (Closure cup boards) as existing now shall



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- be agreed by the Sixth Respondent builder.
- F. The Fourth Respondent sells his saleable (exclusive entitled area) of 32 sq.ft. out of 832 sq.ft. as a consideration for all/or any expenses for the redevelopment of the apartments by the Sixth Respondent builder.
- G. The Fifth Respondent shall avail only her minimum eligible owner's share of property both in terms of undivided share and saleable area.
- H. The plan and tentative cost towards basic amenities and registration charges has to be finalized and conveyed before demolition to the Fifth Respondent.
- I. The Fifth Respondent's flat shall be planned as per her request.
7. By signing this agreement the parties hereto state that they have no further claims demands against each other with respect to in W.P. No. 29463 of 2023 and all disputes and differences in this regard have been amicable settled by the parties hereto through the process of conciliation/Mediation.

4. In view of the aforesaid settlement arrived between the Petitioners and the Fourth to Sixth Respondents, it shall be incumbent upon the concerned parties to carry out their respective obligations undertaken, and in the event of any breach, the aggrieved party is not precluded from working out its remedies before the proper forum in the manner recognized by law.



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Consequently, the connected Miscellaneous Petition is closed. No costs.

13.02.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 12.03.2024.

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To

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai – 600003.
2. District Revenue Officer /
Zonal Officer,
Zone – 10, No. 117, NSK Road,
Kodambakkam,
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P.D. AUDIKESAVALU, J.

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