



WEB COPY



Writ Petition No.8436 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**Writ Petition No.8436 of 2017
and WMP No.9235 of 2017**

M/s.Pushpam Steels
By Proprietor Mrs.Jansy Rathinam
Tower-9, Apt.106, Vaithyanathan Street
Tondiarpet
Chennai 600 021.

.... Petitioner

-Vs-

1.The Member Secretary
Chennai Metropolitan Development Authority
Egmore
Chennai 600 008.

2.The Chief Executive Officer
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road, Egmore
Chennai 600 008.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari Mandamus, to call for the records of the 2nd respondent in respect of Letter No.S1/4414/2009 dated 3.1.2017 and quash the



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same and direct the respondent to re-allot Plot No.C4 in Iron and Steel Market at Sathangadu Village after receiving the balance installments at a reasonable rate.

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For Petitioner : Mrs.J.Aniees Fathima
for Mr.T.K.S.Gandhi

For Respondents : Mrs.K.Mageswari
Standing Counsel
R1 & R2

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records of the 2nd respondent relating the letter dated 03.01.2017 and quash the same and direct the respondent to re-allot Plot No.C4 in Iron and Steel Market at Sathangadu Village, to the petitioner.

2.Heard the learned counsel for the petitioner and also the learned counsel for the respondents.

3.It had been pointed out by the leaned counsel for the respondents that the Proprietor of the petitioner Company had died and that this fact had been noted by the learned Single Judge of this Court even as early as on 16.02.2023.



The learned counsel for the respondents stated that the order in 16.02.2023 is very comprehensive and the learned Single Judge had observed that the matter had already reached its finality. The order in 16.02.2203 is recorded herein.

2. It is reported by the learned counsel appearing for the petitioner that Proprietor of the petitioner's Company is died. Hence, seeks time to implead the legal representatives.

3. On a perusal of the impugned order, what comes to be known is that to allow the petitioner to pay the dues at the old rate, the petitioner had filed O.S.Nos.4708 and 4709 of 2010 and the same was dismissed by this Court on 23/4/2014. Again, the allottee had filed a case in W.P.Nos.175 and 176 of 2015. Vide, order, dated 24/2/2015, this Court has directed CMDA to consider the representation of the petitioner, on merits and in accordance with law. Based on the above directions, the case of the petitioner has been properly considered and rejected. Now, once again the said order has been challenged in the instant writ petition.

4. In such a view of the matter, this Court, is of the prima facie view that matter has already reached its finality. Since the Proprietor of the petitioner Company was dead, and considering the fact that for final disposal, legal representatives are to be brought on record, the matter stands adjourned to 7/3/2023.



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4. Even though on 16.02.2023, an opportunity was granted to bring on record the legal representatives still this date steps have not been taken. The legal representatives are always at liberty to take any steps in the manner known to law.

5. The Writ Petition therefore stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
NCS : Yes/No
KP



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C.V.KARTHIKEYAN.,J
KP

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