

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.10329 of 2015

M. Lalith Kumar

Petitioner

vs.

1 The Principal Secretary
Housing and Urban Development Department
St. George Fort
Chennai 600 009

2 Sri Zalawad Jain Welfare Trust
having Kalyana Mandapam in the name of
Sri Mathikundanben Ratilal Shah
Kapadia Bhavan Lakhtar Wala
represented by its Trustee
No.15/16, Vepery Church Road
Vepery, Chennai 600 007

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to dispose of the impleading petition dated 09.03.2015 at the first instance, before proceeding with the appeal preferred by the second respondent herein as against the proceedings made in Letter No. Dn 58/348/2014 dated 19.11.2014 on the file of the Executive Officer, Corporation of Chennai, Zone V, Chennai in the light of the petitioner's representation dated 23.03.2015, within a stipulated time.

For petitioner Mr. J. Sudhakaran for R.Sundar

For R1 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

With the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent, the writ petition is taken up for final disposal at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the first respondent to dispose of the impleading petition dated 09.03.2015 at the first instance, before proceeding with the appeal preferred by the second respondent herein as against the proceedings made in Letter No. Dn 58/348/2014 dated 19.11.2014 on the file of the Executive Officer, Corporation of Chennai, Zone V, Chennai, in the light of the petitioner's representation dated 23.03.2015, within a stipulated time.

3 The case of the petitioner is that he is a concerned person as the encroachment has been extended to his property. The second respondent has preferred a statutory appeal against locking, sealing and demolition notice dated 19.11.2014, which was directed to be decided in a writ petition being W.P.No.33518 of 2014, preferred by the second respondent. The time granted by this Court in the said writ petition has already come to an end and orders may be passed at any time.

4 In view of the above, before the pending appeal is decided, the petition for impleadment filed by the petitioner shall be considered by the first respondent on merits and in accordance with law.

5 With the above direction, the writ petition stands disposed of. Costs made easy.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

The Principal Secretary
Housing and Urban Development Department
St. George Fort
Chennai 600 009

+1 cc to Mr.R.sundar, Advocate, SR.19483

+1 cc to Government Pleader, SR.19760.

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krd 20/4

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