

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P. Nos.12983 to 12985 of 2015 and M.P. Nos.1 of 2015

Landmark Associates Private Ltd.
Represented by Joint Managing Director, Anil Bhalla
1 to 6, 11 to 13, Marina Square
26/27, Santhome High Road
Mylapore, Chennai - 600 004 Petitioner in WP No.12983/2015

Mark Enterprises
represented by Proprietor
Ajay Maindiratta
L3 Marina Square, 26/27,
Santhome High Road
Mylapore, Chennai - 600 004 Petitioner in WP No.12984/2015

ALTECH
represented by Partner Gautam Motwani
L14 Marina Square
26/27, Santhome High Road
Mylapore, Chennai - 600 004 Petitioner in WP No.12985/2015

Vs.

1 The Chennai Metropolitan Development Authority
represented by its Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

2 Ferdous Estates Pvt. Ltd.
represented by its Director, Irshad Ali
No.26/27, Santhome High Road
Chennai 600 004 Respondents in both the WPs

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records of the first respondent pertaining to proceedings issued in Letter No.EC/S-1/19237/2014 dated 21.04.2015 and quash the same insofar as they relate to the petitioners respectively.

For petitioner
in all the WPs Mr. M. Ravi

For R1 Mr. K. Raja Shrinivas
in all the WPs Standing Counsel

COMMON ORDER

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

The petitioners, who are occupiers of the premises in question as lessees under the second respondent, feeling aggrieved by the de-occupation notices dated 21.04.2015 issued by the first respondent - Chennai Metropolitan Development Authority, under Section 56(2)(iii) of the Tamil Nadu Town and Country Planning Act, 1971, have come up with the instant writ petitions, seeking a limited relief of extension of time, to comply with the notices impugned by vacating the premises in question.

2 Mr. K. Raja Shrinivas, learned Standing Counsel, accepts notice for the first respondent. Considering the nature of relief sought by the petitioners, there is no need to issue notice to the second respondent. Thus, with the consent of the learned counsel for the petitioners and the learned Standing Counsel appearing for the first respondent, the writ petitions are taken up for final disposal, at the admission stage itself.

3 According to the learned counsel for the petitioners, the petitioners are running business in the premises in question. Hence, the petitioners need some more time to vacate the premises and hand over the same to the authority in compliance of the impugned de-occupation notices dated 21.04.2015.

4 Having considered all aspects of the matter, we grant further 30 days time to the petitioners, from the date of expiry of time granted by the authorities to remove the unauthorisedly constructed portion with immediate effect and restore the buildings in compliance with the plan sanctioned by Chennai Metropolitan Development Authority within 30 days, to de-occupy / vacate the premises, subject to the petitioners giving an undertaking to the first respondent that the petitioners accept the orders impugned herein and would vacate and hand over the premises, without creating any encumbrance or third party interest in the premises, within a period of one week from the date of receipt of a copy of this order.

5 The writ petitions stand disposed of with the above directions. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

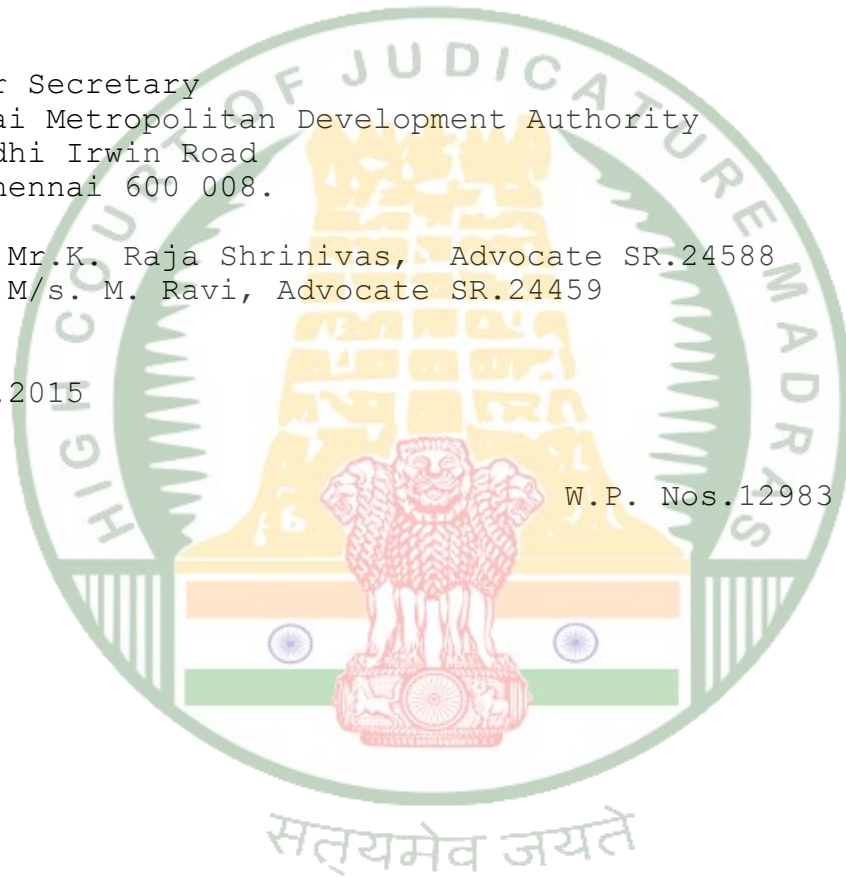
cad
To

The Member Secretary
The Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008.

+ 1 cc to Mr.K. Raja Shrinivas, Advocate SR.24588
+ 3 cc to M/s. M. Ravi, Advocate SR.24459

SAI (CO)
EU 04.05.2015

W.P. Nos.12983 to 12985 of 2015



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