

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2015

CORAM :

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.26666 of 2015
and
M.P. No.1 of 2015

Rupert J. Barnabas

... Petitioner

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai-600 009.
2. Vishal M.Ranka,
No.9 New No.17 Vichoormuthiah Street,
Purasawalkam, Chennai-600 007.
3. The Chennai Metropolitan
Development Authority,
Repd. by its Member Secretary,
Thalamuthu Natarajan Maligai
1, Gandhi Irwin Road, Egmore, Chennai-8.
4. The Corporation of Chennai,
Rep. by its Commissioner, Ripon Buildings,
Park Town, Chennai-600 003.
5. The Executive Engineer,
The Corporation of Chennai, Zonal Office V ,
Division No.58 No.62 Basin Bridge Road
Old Washermenpet, Chennai-600 021.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Prohibition prohibiting the First Respondent herein from adjudicating the Appeal dated 11.06.2015 filed by the 2nd respondent against the lock and seal order dated 29.01.2015 issued by the third respondent.

For petitioner : Mr. T. Mohan
for
Mr.A. Yogeshwaran

For respondents : Mr. P.H.Arvind Pandian,
Additional Advocate General
assisted by
Mrs. A. Srijayanthi
Special Government Pleader -R1
Mr.C. Johnson - R3
Mr. R. Arunmozhi - R4 & R5

ORDER

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

Mrs. A. Srijayanthi, learned Special Government Pleader accepts notice for the first respondent. Mr. C. Johnson, learned counsel, accepts notice for the third respondent and Mr.R. Arunmozhi, learned counsel, accepts notice for the respondents 4 and 5. With the consent of the learned counsel for the petitioner and the learned counsel for the official respondents, this writ petition is taken up for final disposal at the admission stage itself.

2. The instant writ petition is preferred at the instance of one Mr. Rubert J. Barnabas, who had filed earlier a writ petition being W.P.No.33697 of 2014 seeking a direction to respondents 1 and 2 therein to demolish and permanently remove the illegal, unsanctioned and unauthorised construction put up by the respondents 6 - 8 therein at Old Door No.9, New No.17, Vichoor Muthia Street, Choolai, Chennai.

3. At this stage, we are not inclined to entertain this writ petition, as an appeal is preferred by the second respondent herein before the appellate authority under purported provisions of law, challenging the locking, sealing and demolition notice dated 12.12.2014, which has culminated into locking, sealing and demolition notice dated 29.01.2015. However, we make it clear that the said appeal is to be considered and decided, in accordance with law and on its own merits considering all the issues involved in this case, including the issue of limitation and background facts and also, the decisions rendered by the Supreme Court as well as the High Court, in respect of the subject matter, if any.

4. With the aforesaid observations and directions, this writ petition stands disposed of. No costs. Connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ra

To

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai-600 009.
2. The Chennai Metropolitan
Development Authority,
Repd. by its Member Secretary,
Thalamuthu Natarajan Maligai
1, Gandhi Irwin Road, Egmore, Chennai-8.
3. The Corporation of Chennai,
Rep. by its Commissioner, Ripon Buildings,
Park Town, Chennai-600 003.
4. The Executive Engineer,
The Corporation of Chennai, Zonal Office V ,
Division No.58 No.62 Basin Bridge Road
Old Washermenpet, Chennai-600 021.

+1cc to M/s.R.Arulmozhi, Advocate, S.R.No.45676
+1cc to M/s.C.Johnson, Advocate, S.R.No.45944
+1cc to Mr.A.Yogeshwaran, Advocate, S.R.No.45806
+1cc to the Government Pleader, S.R.No.45834

ALA(CO)
CA(15/09/2015)

W.P. No.26666 of 2015