

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-03-2015

CORAM

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

WRIT PETITION No.3148 of 2015

Baid Metha Complex Residents  
Welfare Association  
rep. By its Secretary  
K. Udayakumar,  
No.16 Mount Road,  
Little Mount, Saidapet,  
Chennai.15.

.. Petitioner

vs

1. The Secretary to Government  
Housing and Urban Development  
Department  
Fort St. George, Secretariat, Chennai 9.

2. The Chennai Metropolitan Development  
Authority,  
Rep. By its Member Secretary,  
No.1, Gandhi Irwin Road,  
Egmore, Chennai 8.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to dispose the appeal dated 25.9.2014, after affording the reasonable opportunity to all the parties concerned in accordance with law, within stipulated time as prescribed by this Court.

For Petitioner : Mr. M.A.P. Thangavel

For Respondents : Mr. P.S.Sivashanmugasundaram  
Spl. Govt. Pleader - R1

Mr. N. Sampath - R2

ORDER

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

<https://hcservices.ecourts.gov.in/hcservices/>  
The only relief sought in this writ petition is a direction to the first respondent, i.e., the State Government, to dispose of the appeal dated 25.09.2014 filed by the petitioner.

2. Pursuant to the notice dated 09.02.2015 ordered by this Court, the first respondent had filed counter affidavit dated 13.03.2015 stating that an opportunity of personal hearing was afforded to the petitioner on 09.03.2015. Thereafter, an order to lock and seal the unauthorised portion of the building which was constructed as ground floor and put to use for commercial activities against approved planning permission, was passed. The order has been complied with on 11.03.2015 in respect of 17 shops.

3. In the meantime, it is brought to our notice that questioning the order dated 11.03.2015, a writ petition, being W.P. No.7707 of 2015 was filed seeking a direction to the Chennai Metropolitan Development Authority to de-seal the premises for a period of one week to enable the occupiers to remove the articles lying inside. This Court, by order dated 17.03.2015, disposed of the said writ petition, passing the following order:

The petitioners claiming to be the residents of the premises in question, which has been locked and sealed on 11.3.2015, by the Chennai Metropolitan Development Authority (CMDA), have made a joint representation dated 11.3.2015, to the Secretary to Government, Housing and Urban Development Department and also to the Member Secretary, CMDA, viz. the respondents 1 and 2 herein, for the purpose of de-sealing the premises occupied by them, so as to enable them to remove the office equipments, goods, stocks and all other fixtures lying therein and thereafter, the same may be re-sealed.

2.The learned Standing Counsel appearing for the CMDA, submits that the representation shall be considered and the premises shall be de-sealed granting one week time to the occupiers to remove the afore-stated articles and thereafter, after proper inspection, the same shall be re-sealed.

3.In view of the foregoing, we are not inclined to pass any other order except that the representation of the petitioners be considered by the authorities as afore-stated, for the purpose of removal of the articles. The writ petition stands disposed of. No costs.

4. In view of the aforesaid order, no further order need be passed in this writ petition and is accordingly closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ra

To

1. The Secretary to Government  
Housing and Urban Development  
Department  
Fort St. George, Secretariat, Chennai 9.

2. The Chennai Metropolitan Development  
Authority,  
Rep. By its Member Secretary,  
No.1, Gandhi Irwyan Road,  
Egmore, Chennai 8.

1 cc to Government Pleader, Sr.No15316

1 cc to Mr. N. Sampath ,Advocate, SR.No.15379

1 cc to Mr. M.A.P. Thangavel,Advocate, SR.No.15757

W.P.No.3148 of 2015

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pmk.6.4.2015



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