

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.9824 of 2014

and

M.P.No.1 of 2014

S.Sakthivel,
The General Manager,
District Industries Centre,
Department of Industries and Commerce,
Thiruvallur,
representing
Tamil Nadu Leather Development
Corporation Ltd. (TALCO) ... Petitioner

-vs-

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

2.The Commissioner,
Chennai Corporation,
Rippon Building, Chennai-600 002.

3.The Assistant Commissioner,
Zone II, Chennai Corporation,
Thattankulam Road,
Samy Nagar, Madhavaram,
Chennai-600 060.

4.The Sub Registrar,
Sub Registrar Office,
Madhavaram,
Chennai-600 060.

5.A.Malaisamy

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent to implement letter dated Letter No.EN3/875/11 dated 21.03.2014, and for the further directions to the second and third respondents to take appropriate action against the unauthorised illegal construction of super structure put up by the fifth respondent in the property bearing S.No.1088/2A3 measuring an extent of 25033 sq. ft. at No.50, Madhavaram Village, Thiruvallur District.

For Petitioner : Mr.A.Palaniappan

For Respondents : Mr.N.Sampath for R1
Mr.K.Soundararajan for R2 & R3
Mr.R.Vijayakumar
Addl. G.P. for R4
Mr.M.Muthappan for R5

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The building in question of respondent No.5 is now locked and sealed by the respondent authorities on 23.07.2015.

2. The learned counsel for the petitioner, a Government Body, also informs that the vendor of respondent No.5 had filed a civil suit in O.S.No.170 of 2004 on the file of the District Munsif Court, Tiruvotriyur restraining the Government from demolishing the compound wall. The said suit was dismissed, against which an appeal was filed in A.S.No.21 of 2007 on the file of the Fast Track Court, Ponneri by once again the vendor of respondent No.5, which was dismissed for default on 13.07.2009. Subsequently, respondent No.5 moved applications to revive the appeal and to get himself impleaded in the place of the original vendor. Those applications were allowed. The First Appellate Court having found that there was an encroachment by the vendor of respondent No.5, has passed a decree for transfer of the land to respondent No.5 by the Government through the sale deed executed at Rs.50/- above the guideline value and in that respect, Second Appeal SR Nos.62831 & 62833 of 2006 are stated to have been filed.

3. The parties would naturally work out their remedies in that appeal.

4. No further directions are required in this petition, which stands disposed of. No costs. Consequently, M.P.No.1 of 2014 is closed.

5. The learned counsel for the petitioner states that in that appeal, application has been filed by respondent No.5 for deposit of the amount and execution of the sale deed. We see no reason for such an apprehension on the part of the petitioner, as ex facie such an application would not be maintainable, being the matter of execution of the decree.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
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Chennai-600 060.
- 4.The Sub Registrar,
Sub Registrar Office,
Madhavaram,
Chennai-600 060.

+1cc to Mr.A. Palaniappan, Advocate, S.R.No.67677
+1cc to Mr.M. Muthappan, Advocate, S.R.No.67784
+1cc to Mr. N. Sampath, Advocate Sr.No.67819

sai (CO)
md(23/11/2016)

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