

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.907 of 2010

The Panagal Apartments Owners/
Residents Association
No.21, Sondararajan Street
T.Nagar, Chennai - 600 017
rep. by its Secretary .. Petitioner

vs.

1. The Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai - 600 009.
2. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai - 600 008.
3. The Commissioner
Corporation of Chennai
Ripon Buildings, Chennai - 600 003.
4. Bhari Industrial Promoters Pvt. Ltd.
No.4, Moores Road
Chennai - 600 006
rep. by its Director. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records of respondents 2 and 3 culminating in the order of approval of regularization issued by the 2nd respondent bearing No. B6/16652/99, dated 23.6.2000 together with the Regularization Permit No.REG/B6/01/2000 of even date and the consequent regularization order issued by the 3rd respondent bearing No.WDC

No.TP/RPA/D11/Reg/71/99-2000 and dated 8.9.2000 together with the regularized plan No.RPA No.38/99-2000 and quash the same and further direct the respondents to demolish the construction put up by the 4th respondent in the car parking area situated in the Ground Floor of the apartment Building "Panagal Apartments" situated at No.21, Sondararajan street, T.Nagar, Chennai 17 as specified in the plan originally sanctioned for the building on 31.8.1990, which is more fully specified in the schedule to the petition. The ground floor portion of the panagal apartments building sanctioned by the 2nd Respondent by its order B.A.No.318/90 dated 31.08.1990, and comprised in S.No.143/12, T.S.No.5915, Block No.132, Paimash No.1229 of T.Nagar Village Mambalam - Guindy Taluk, Chennai District, situated within the Registration Sub-District of T.Nagar and the Registration District of Madras-South, and coloured and marked in Red in the plan annexed.

For Petitioner : No appearance

For Respondents : Mr.T.N.Rajagopalan
Spl. Government Pleader
for 1st respondent

Mr.N.Sampath
for 2nd respondent

Mr.V.C.Selvasekaran
for 3rd respondent

ORDER

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

The learned counsel for the second respondent states that the building is under lock and seal since 24.1.2013, pursuant to the rejection of the regularization proposal of the fourth respondent. The petitioner sought to assail the regularization and, thus, the lis of the petitioner does not really survive, which may be the reason for the absence of any representation on the part of the petitioner.

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The petition is accordingly closed. No costs.
Consequently, M.P.Nos.1 and 2 of 2010 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai - 600 009.
2. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai - 600 008.
3. The Commissioner
Corporation of Chennai
Ripon Buildings, Chennai - 600 003.

+1cc to Mr.N. Sampath, Advocate, S.R.No.68224
+1cc to Mr.A.J. Abdul Razah, Advocate, S.R.No.68550
+1cc to the Government Pleader, S.R.No.68301

vd(CO)
md(02/12/2016)

W.P.No.907 of 2010

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