

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:6.7.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.22482 of 2016
and
W.M.P.No.19195 of 2016

1 Taher Y.Gadli
2 Huzefa M.Jodhpurwala
3 Munira H.Jodhpurwala
4 Tasnim M.Deesawala
5 Kheiroon Siraj Tambawala
6 Murtuza S.Tambawala
7 Zuzar S.Tambawa
8 Khozem Y.Gadli
9 Zuzer Y.Gadly
10 Rashita. K.Lehri
11 Amina B.Madraswala
12 Yusuf B.Madraswala
13 Murtaza M.Deesawala ..Petitioners

-Versus-

1 The Secretary to Government
Housing and Urban Development Department
Secretariat Fort St. George Chennai-600 009
2 The Commissioner
Corporation of Coimbatore Coimbatore ..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st respondent to consider the petitioners' application for regularization dated 23.07.2015 in the premises at S.No.112 Part, Block No.2, Ward No.1 D.No.7, Dr.Nanjappa Road, Coimbatore.

For Petitioners : Mr.N.G.R.Prasad for
M/s.M.A.P.Thangavel

For R1 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For R2 : Mr.J.Sathyanarayanaprasad

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the petitioners, Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader and Mr.J.Sathyanarayanaprasad, learned counsel who takes notice for respondents 1 and 2 respectively.

2. The writ petition has been filed seeking issuance of a writ of mandamus directing the 1st respondent to consider the petitioners' application for regularization dated 23.07.2015 in the premises at S.No.112 Part, Block No.2, Ward No.1 D.No.7, Dr.Nanjappa Road, Coimbatore.

3. The case of the petitioners is that the premises in question was purchased by them under a registered sale deed on 4.5.2009 and they had put up construction of a commercial complex after getting due approval from the local authority in Na.Ka.No.6812 of 2010 dated 28.2.2011 and planning permission No.94/2011 followed by the Building Permission No.122/2011 M.H.4 (S) dated 24.5.2011. It is the further case of the petitioners that they had paid penalty of Rs.23,688/- towards permission for the excess built up area. Whiles, it appears that the petitioners were served with lock and seal notice and appeal preferred by the petitioners were allowed and thereafter, the petitioners had moved for rectification and paid penalty in that regard and in the meanwhile, on a writ petition filed by a neighbour viz., M/s.Ramaniyam Real Estates Private Limited, represented by its Managing Director V.Jagannathan in W.P.No.4899 of 2016, this court had directed for keeping the premises in question de-sealed for a period of three days to enable the petitioners to remove their movables. Since no order has been passed by the authorities on the appeal filed by the petitioners for regularization of the deviation, the present writ petition has been filed.

4. Admittedly, there is an order passed by this court in W.P.No.4899 of 2016 dated 22.4.2016 and in para 5 of the said order, there was a direction issued for keeping the premises de-sealed for a period of three days to enable respondents 4 to 16 therein to remove the movables, on an application being filed by such persons before the authority concerned and thereafter, it was ordered that the premises shall remain under lock and seal. Further, the appeal filed by the petitioners in this writ petition is pending disposal before the Government.

5. Therefore, it is for the respondent-authorities viz., the Government of Tamil Nadu and the Corporation of Coimbatore to take a decision in accordance with law after hearing the petitioner as well as the petitioner in W.P.No.4899 of 2016 viz., M/s.Ramaniyam Real Estates Private Limited, represented by its Managing Director V.Jagannathan and any other affected persons and pass orders on merits and in accordance with law within a period of two months from the date of receipt of copy

of this order. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

ssk.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To:

1 The Secretary to Government
Housing and Urban Development Department
Secretariat Fort St. George Chennai-600 009.

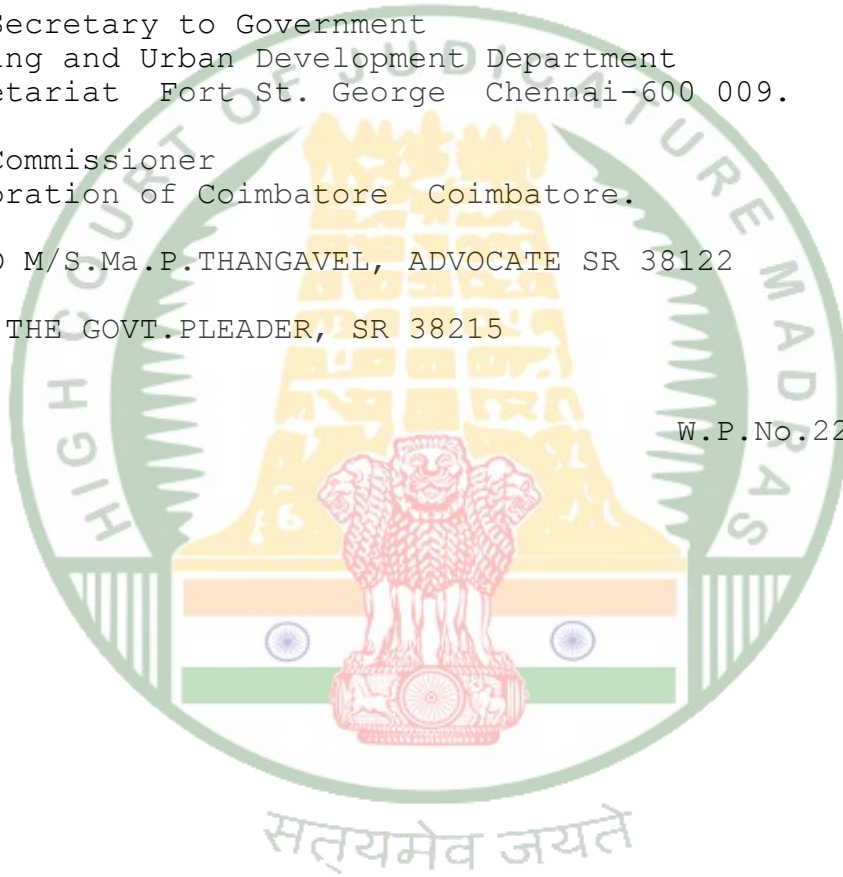
2 The Commissioner
Corporation of Coimbatore Coimbatore.

+ 2 CCS TO M/S.Ma.P.THANGAVEL, ADVOCATE SR 38122

+ 1 CC TO THE GOVT.PLEADER, SR 38215

KR/1/8/16

W.P.No.22482 of 2016



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