

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2016

CORAM

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

W.P.No.33962 of 2013

&

MP.Nos.1&2 of 2013

K.Suyambukani
Proprietrix
Hotel Kurunchi
Nos.20 and 21, Cuddapa Rangaiah Street
Periamet, Chennai 600 003 ... Petitioner

-vs-

1. The State of Tamil Nadu
rep by its Secretary
Housing and Urban Development
(UD1) Department
Fort St.George
Chennai 600 009
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Thalamuthu Natarajan Building
Egmore, Chennai 600 008
3. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003
(R3 impleaded vide order dated 12.7.2016
made in WMP No.20395 of 2016 in
WP No.33962 of 2013) ... Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Certiorarified Mandamus,
calling for the records pertaining to the impugned order of the
first respondent G.O.(3D) No.26, Housing and Urban Development
(UD1) Department dated 01.04.2013 and quash the same and
consequently direct the first respondent to consider the
approval of the Regularisation Application No.1870/1999 dated
28.05.1999 after giving adequate opportunity to the petitioner.

For Petitioner :: Mr.C.Ravichandran

For Respondents:: Mr.P.S.Sivashanmugasundaram
Special Government Pleader for R1
Mr.K.Raja Shrinivas for R2
Mr.A.Nagarajan for R3

ORDER

(Order of the Court was delivered by HULUVADI G.RAMESH, J.)

Heard the learned counsel for the petitioner, learned Special Government Pleader for the first respondent/Government, learned standing counsel for the second respondent/CMDA and the learned standing counsel for the third respondent/Corporation.

2. Since the petitioner has not produced the relevant documents to substantiate her claim in regard to the various queries raised by the second respondent/CMDA for the unauthorised construction of Ground + Five Floors (Block A & B) Hotel cum Lodge Building at Door Nos.20 & 21, Cuddappa Rangaiah Street in R.S.No.562/2 and 566, Block No.13 of Vepery Village, Chennai before this Court for our satisfaction, it is left open to the petitioner to re-agitate the issue before the respondents on production of the relevant records. However, we are not agreeable with the request made by the learned counsel for the petitioner to show some leniency in the matter as, according to the learned counsel for the petitioner, originally the amount was demanded exorbitantly and later on it was reduced to an amount of Rs.65 lakhs or so. Even then, there is no proof evidencing the said payment. Rather the learned counsel for the petitioner seeks for summoning of records available with the respondent-CMDA. But the petitioner has not produced any iota of evidence to make out a prima facie case to help out from the situation. In these circumstances, we are not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. To reiterate once again, the petitioner can very well approach this Court, if she has got any genuine document to substantiate her claim or else the respondents/authorities are at liberty to proceed in accordance with law. Consequently, the interim order stands vacated and the M.P.Nos.1 & 2 of 2013 are also dismissed. No costs.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Secretary to Government
Housing and Urban Development
(UD1) Department
Fort St.George
Chennai 600 009
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Thalamuthu Natarajan Building
Egmore, Chennai 600 008
3. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003

+1cc to Mr.A. Challakumar, Advocate, S.R.No.44993
+1cc to Mr.A. Nagarajan, Advocate, S.R.No.45143
+1cc to Mr.K.Raja Srinivas, Advocate SR.45413
+1cc to the Government Pleader, S.R.No.45055

AK(CO)
EU(29/08/2016)

W.P.No.33962 of 2013

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