

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2016

CORAM

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

W.P.No.35113 of 2013

Muslim Educational Society
Karaikal, rep. by its Secretary
K.E.M.I.Kwaja Mohideen
S/o.K.E.M.Mohamed Ibrahim Maraickar
No.89, Masthan Palli Street
Karaikal. ... Petitioner

vs.

1. The State of Tamil Nadu
rep. by the Secretary to Government
Housing and Urban Development
(UD1) Department, Fort St. George
Chennai - 600 009.
2. V.M.Gangadharan
3. The Member Secretary
Chennai Metropolitan Development Authority
1, Gandhi Irwin Road
Egmore, Chennai - 8.
4. The Commissioner
Corporation of Chennai
rep. by the Commissioner
Ripon Buildings
Chennai - 600 003
5. Mumtaz Begum
6. A.N.F.Md.Iqbal .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the entire records pertaining to the order passed in G.O.Ms.No.257, dated 11.10.2013 on the file of the 1st respondent and quash the same and consequently direct respondents 3 and 4 to demolish the wholly illegal and unauthorized multi storied building of six floors so constructed in the premises bearing Door No.7, Aziz Mulk First Street, Thousand Lights, Chennai-34, No.8, Aziz Mulk First Street, Thousand Lights, Chennai 34, and No.651, Mount Road, Thousand Lights, Chennai 34, forthwith.

For Petitioner : Mr.R.Natarajan

For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader
for 1st respondent

Mr.D.S.Rajasekaran
for 2nd respondent

Mr.K.Raja Srinivas
for 3rd respondent

Mr.V.C.Selvasekaran
for 4th respondent

Mr.M.R.Murali
for 6th respondent

No appearance
for 5th respondent

ORDER

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

The petitioner is aggrieved by the originally alleged unauthorized construction carried out by respondents 2, 5 and 6. It appears that a demolition order was passed and the matter went up to the Hon'ble Supreme Court in Special Leave to Appeal (Civil) No.24240 of 2012, where leave was granted.

2. It transpires, as submitted by the learned counsel, that thereafter the Supreme Court called upon the regularization application furnished by the private respondents to be examined and regularization was permitted by the first respondent on the premise that the construction was prior to 28.2.1999.

3. A Civil Appeal is still pending consideration. The present writ petition has been filed to quash G.O.Ms.No.257, dated 11.10.2013, which is the regularization order and for directions to demolish the unauthorized multistoreyed building of six floors.

4. On hearing learned counsel for parties, we are of the view that since the regularization has already taken place and that too in pursuance of the directions of the Supreme Court, the question sought to be raised before us would actually be considered by the Hon'ble Supreme Court, where the petitioner is also a party.

5. Thus, no orders can be passed in the present petition and the same is accordingly closed. In case the Supreme Court so finds, liberty to revive the petition is granted. No costs. Consequently, M.P.Nos.1 and 2 of 2013 are closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To:

1. The Secretary to Government
State of Tamil Nadu
Housing and Urban Development
(UD1) Department, Fort St. George
Chennai - 600 009.
 2. The Member Secretary
Chennai Metropolitan Development Authority
1, Gandhi Irwin Road
Egmore, Chennai - 8.
 3. The Commissioner
Corporation of Chennai
rep. by the Commissioner
Ripon Buildings
Chennai - 600 003
- +2 cc's to M/s.R.natarajan,advocate,sr.65788
+1 cc to Govt.Pleader,sr.65962
+1 cc to M/s.K.rajashrini,advocate,sr.65710
+1 cc to M/s.D.S.Rajasekaran,advocate,sr.65949.

mv(co)
krd 28/11

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