

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2016

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE V.PARTHIBAN

Writ Appeal No.1362 of 2016
and C.M.P.No.17481 of 2016

M/s.The Federation of Civic and Welfare Association
of Pallavaram Municipality
(Reg.No.175 of 1986)
Pallavaram Nagara Kudiyirupor Nalavazhvu
Sangangalin Inaippu Maiyam
Rep. By its Vice President
Having its Office at
No.66, II Cross Street
AGS Colony, Chrompet, Chennai-600 044 ..Appellant/petitioner

Vs

1. The Government of India
Rep by Secretary to Government
Department of Art, Culture and Language
Govt. of India, New Delhi
2. The Archeological Survey of India
Chennai Circle, Govt of India
Fort St.George, Secretariat, Chennai-009
Rep. By its Superintending Archeologist
3. The Chennai Metropolitan Development Authority
(CMDA) rep by its Member Secretary
Thalamuthu Natarajan Maligai
No.1, Gandhi Irwin Road, Egmore, Chennai-600 008
4. The Member Secretary and Commissioner
Department of Archeology and Competent Authority
TN Archeological Survey of India
Chennai and Trissur Circle
Tamil Valarchi Vazhagam, Halls Road
Egmore, Chennai-600 008
5. The Commissioner
Pallavaram Municipality
Pallavaram, Chennai-600 043

6. The Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO) Rep. By its Chairman
800, Anna Salai, Chennai-2
7. The Superintending Engineer
TANGEDCO, CNDC/South
110, KVSS Complex, K.K.Nagar, Chennai-79
8. The Executive Engineer (O&M)
TANGEDCO 11-N Shanmugam Road
Tambaram, Chennai-43
9. The Assistant Engineer
O&M Pallavaram EAST CNDC/South
TANGEDCO, Chennai-43 ..Respondents/Respondents

Prayer : Writ Appeal filed against the order passed in W.P.No.12753 of 2013 dated 24.10.2016. Writ petition filed under Article 226 of constitution of India praying to , it is humbly prayed to issue a Writ of certiorarified Mandamus or any other appropriate Writ, Order or Direction in the nature of Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 3rd respondent in Letter No.C1/H/5915/2010 dated 18.6.2010 and of the 2ndrespondent in Letter No.33/SUR/2010/2652 dated 9.6.2010 in so far as it relates to Sl.No.7 of 2nd respondents letter relating to Tambaram Taluk Kancheepuram District and quash the same and consequently forbear the respondents herein from in any manner interfering with the right of the members of the petitioners associations from putting any constructions and carrying out repairs renovations or making modifications to their existing buildings or the facilities to the buildings located in and around the area covered under Survey Nos.56 and 63 of Pallavaram Village, Tambaram Taluk, Kancheepuram District.

For Appellant : Ms.S.Rajeni Ramadass

For Respondents : Mr.Su.Srinivasan, ASG for R1 and R2
No appearance for R 3 to R 9.

JUDGMENT

(Delivered by Huluvadi G.Ramesh,J)

The appellant has come up with here the above appeal challenging the interim order passed by the learned single Judge

in W.P.No.12753 of 2013 dated 24.10.2016.

2. Heard Ms.S.Rajeni Ramadass, learned counsel for the appellant and Mr.Su.Srinivasan, learned Standing Counsel for respondents 1 and 2.

3. The appellant herein is the welfare association of Pallavaram Municipality. The order passed by the learned Single Judge dated 24.10.2016, is the interim order directing the Superintendent of Police, Kancheepuram District, to be present along with sufficient police force, to handle the situation in respect of joint survey/inspection and the subject issued in main writ petition is pending consideration.

4. It is represented that the earlier joint survey/inspection could not be carried on for reasons of mass agitation etc., and in such circumstances, the interim order has been passed by the learned single Judge. This Writ Appeal is now filed against the said interim order and also challenging the conduct of survey by the Archaeological Department. In our considered opinion, the prayer sought herein does not survive for consideration at all, since the main writ petition itself is pending consideration before the learned Single Judge. Further if the petitioner association requires any order to be passed in respect of the subject matter of writ petition, it is open to them to file appropriate petition in the pending Writ Petition, before the learned Single Judge.

5. The Writ Appeal is dismissed with the above observation. No costs. Consequently, connected CMP is closed.

Sd/
Assistant registrar(CS II)

TRUE COPY//

सतममेन जयते
sub assistant registrar

nvsri

To

1. The Secretary to Government
The Government of India
Department of Art, Culture and Language
Govt. of India, New Delhi
2. The Superintending Archaeologist
The Archeological Survey of India
Chennai Circle, Govt of India
Fort St.George, Secretariat, Chennai-009

3. The Member Secretary
The Chennai Metropolitan Development Authority
(CMDA)
Thalamuthu Natarajan Maligai
No.1, Gandhi Irwin Road, Egmore, Chennai-600 008
 4. The Member Secretary and Commissioner
Department of Archeology and Competent Authority
TN Archeological Survey of India
Chennai and Trissur Circle
Tamil Valarchi Vazhagam, Halls Road
Egmore, Chennai-600 008
 5. The Commissioner
Pallavaram Municipality
Pallavaram, Chennai-600 043
 6. The Chairman,
The Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO)
800, Anna Salai, Chennai-2
 7. The Superintending Engineer
TANGEDCO, CNDC/South
110, KVSS Complex, K.K.Nagar, Chennai-79
 8. The Executive Engineer (O&M)
TANGEDCO 11-N Shanmugam Road
Tambaram, Chennai-43
 9. The Assistant Engineer
O&M Pallavaram EAST CNDC/South
TANGEDCO, Chennai-43
- +1 CC to M/s. SU. Srinivasan, Advocate SR 66940

WEB COPY

W.A.No.1362 of 2016

GM1
sp/11/1