

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE DR. JUSTICE P. DEVADASS

W.A. No.48 of 2016 and C.M.P. No.504 of 2016

The Commissioner
Tambaram Municipality
Tambaram
Chennai

Appellant/Respondent No.3

Vs.

- 1 V. Sridharan Respondent NO.1/WritPetitions
- 2 The Principal Secretary
Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George
Chennai 600 109
- 3 The Chennai Metropolitan Development Authority
represented by its Member Secretary
No.1, Gandhi Irwin Road
Chennai 600 008 Respondents 2 & 3/Respondents
1 & 2

Writ Appeal filed under Clause 15 of the Letters Patent
challenging the order dated 16 November 2015 passed in W.P.
No.36228 of 2015.

WP.No.36228 of 2015:Writ Petition Under Article 226 of the
Constitution of India Praying for the Issue of a Writ of
Certiorified Mandamus to quash the Demand Notice issued by the
3rd respondent in Na.Ka. No.6329/ 15 dated 9.10.2015 in respect
of Item Nos.5 to 11 and consequently directing the 3rd
respondent to issue Building Planning Permission in pursuance of
proposed construction plan in respect of petitioner's property
situated at No.5 Muthamil Street East Tambaram Chennai-59

For appellant Mr. P. Srinivas
For R1 Mr. S. Tamilarasan
For R2 Mr. P.S. Sivashanmugasundaram
 Special Government Pleader
For R3 Mr. N. Sampath
 Standing Counsel
- - - - -

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

M/s. S. Tamilarasan, P.S. Sivashanmugasundaram, learned Special Government Pleader and N. Sampath, learned Standing Counsel, accept notice for respondents 1 to 3 respectively. With the consent of the learned counsel for the parties, the writ appeal is taken up for final disposal, at the admission stage itself.

2 The instant writ appeal is filed challenging the order dated 16 November 2015 rendered in W.P. No.36228 of 2015.

3 The appellant's case is that the interim relief staying the open space reservation charges was granted by the learned Single Judge without there being an application for interim relief by the first respondent herein. It is further submitted that the appellant could not present his case properly, as a request was made to grant some time to file his response.

4 Be that as it may. The impugned order is interim in nature, which may be re-considered, if the appellant makes an application for modification or reconsideration. In such view of the matter, we are not inclined to interfere with the impugned order at this stage.

5 Thus, without expressing any observation on the merits of the case, we reserve liberty to the appellant to make a fresh application before the learned Single Judge for reconsideration/modification, if so advised.

The writ appeal stands disposed of with the above observation. Costs made easy. Connected C.M.P. is closed.

-s/d-
Assistant Registrar (CSIV)
dt:27/01/2016

True Copy

Sub-Assistant Registrar

cad
To

- 1 The Principal Secretary
Housing and Urban Development Department
Government of Tamil Nadu
Fort St. George
Chennai 600 109
 - 2 The Member Secretary
The Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Chennai 600 008
- +1 cc to M/S.P.Srinivas, Advocate sr.3648
+1 cc to M/S.N.Sampath Advocate sr.3380
+1 cc to M/S.S.Tamilarasan Advocate sr.3452
+1 cc to Government Pleader, SR.4178 (4/5/16)

W.A. No.48 of 2016

rsk(co)
aa28/01/2016

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