

In the High Court of Judicature at Madras

Dated: 20.04.2016

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice  
and  
The Honourable Mr. Justice M.M. SUNDRESH

Writ Appeal No.3893 of 2003

- 1.K.S.E.Roshan Beevi
- 2.M.Zainul Abideen
- 3.M.Himmath
- 4.Rahamathunnissa
- 5.Dowlathunnissa
- 6.Badhurunnissa
- 7.Sowcathunnissa
- 8.Mumtaj
- 9.Mehar Banu

.. Appellants

vs.

- 1.State Bank of Travancore,  
rep. by its Deputy General Manager,  
Zonal Office, Guna Complex,  
No.304/305, Anna Salai,  
Teynampet,  
Chennai-600 018.
- 2.The State of Tamil Nadu,  
rep. by its Secretary,  
Housing and Urban Development Department,  
Fort St. George,  
Chennai-600 009.
- 3.The Member Secretary,  
Chennai Metropolitan Development Authority,  
Thalamuthu Natarajan Building,  
Egmore, Chennai-600 008.
- 4.Corporation of Chennai,  
rep. by its Commissioner,  
Ripon Buildings,  
Chennai-600 003.
- 5.M.Basheer Ahmed
- 6.Zaibunisha

.. Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 23.10.2003 in W.P.No.39468 of 2002 on the file of this Court.

Writ petition filed under Article 226 of the constitution of India praying for issue a writ of mandamus to direct the respondents 1 to 3 to forbear from regularisation or sanctioning any plan or requisition application for change of user of land or construction that may be submitted by respondents 4 to 14 to them in respect of the lands and ground floor of the building complex situated at the premises named Roshan Complex bearing Door No.110, D. Block Anna Nagar East, Chennai. 102 and also direct to the respondents to demolish the construction put up by the ground floor of the said complex.

For Appellants : Mr.R.Parthiban

For Respondents: Mr.P.N.Radhakrishnan for R1  
Mr.STS.Moorthy  
Govt. Pleader assisted by  
Mr.V.Shanmugasundar  
Govt. Advocate for R2  
Mr.N.Sampath for R3  
Mr.K.Soundararajan for R4  
Ms.A.L.Ganthimathi for R5 & R6

#### J U D G M E N T

(Made by The Hon'ble The Chief Justice)

The learned counsel for the appellants states that the area in question will be maintained as car parking and any unauthorised construction will be removed within a period of three months from today. In fact, the direction passed by the learned Single Judge is against regularising or sanctioning any plan for change of user at the behest of the appellants at the ground level and for demolition of the construction put up in the car parking.

2. The learned counsel for the appellants states that in so far as the civil rights inter se the parties are concerned, that may be decided in an appropriate civil proceedings, in case the parties so choose.

3. We take the aforesaid statement on record and dispose of the appeal accordingly. No costs.

Sd/-  
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

- 1.The Secretary,  
Housing and Urban Development Department,  
Fort St. George,  
Chennai-600 009.
- 2.The Member Secretary,  
Chennai Metropolitan Development Authority,  
Thalamuthu Natarajan Building,  
Egmore, Chennai-600 008.
- 3.The Commissioner,  
Corporation of Chennai,  
Ripon Buildings,  
Chennai-600 003.

- 1 cc to Mr.P.N. Radha Krishnan, Advocate Sr. 24989  
1 cc to Mr.K. Sundararajan, Advocate, Sr. 24909  
1 cc to Mr.N. Sampath, Advocate, Sr. 24801  
1 cc to Mr.R. Parthiban, Advocate, Sr. 24515  
1 cc to M/s.A.L. Gandhimathi, Advocate, Sr. 24473

W.A. No.3893 of 2003

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