

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and

The Honourable Mr.Justice M.M.SUNDRESH

W.P.No.4164 of 2016

M/s.Prabhu & Co, a unit of
M/s.Annai SJP Enterprises (P) Ltd.,
rep. By its Managing Director S.Soundar Murugan
No.14, New No.23, Pattachari Street,
Ayanavaram, Chennai 600 023. ... Petitioner

Versus

1. The Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority
No.1,Gandhi Irwin Salai,
Egmore, Chennai 600 008.
3. The Inspector of Police
T-14, Mangadu Police Station
Chennai 600 122.
4. The Hon'ble Chairman
Commission of Inquiry,
Chennai 600 028.
5. M/s.Prime Sristi Housing Pvt. Ltd.,
rep. By its Proprietor Manoharan
having office at B/2, Vijay Veena Apartments
Radha Krishnan Salai,
Balaji Nagar, Valasaravakkam,
Chennai 600 087. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, directing the respondents 2 and 3 to remove the seal in the property situated at No.52, Kunrathur Main Road, Moulivakkam, Porur, Chennai temporarily so that the petitioner can take back the materials

which were kept inside the building and sealed by respondents 2 and 3.

For Petitioner : Mr.M.Sriram

For Respondents : Mr.S.T.S.Murthi
Government Pleader for
Mr.V.Shanmughasundar
Government Advocate
for R.1 and R.3
Mr.N.Sampath for R.2

O R D E R

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

The petitioner seeks a direction against 2nd and 3rd respondents to remove the seal from the property situated at No.52, Kunrathur Main Road, Moulivakkam, Porur, Chennai temporarily so as to facilitate the petitioner to remove the scaffolding materials which are lying sealed and not in use.

2. Learned counsel for the petitioner states that in a similar situation to remove goods, Co-ordinate Bench of this Court vide its order dated 17.03.2015, permitted the CMDA to consider the issue and take appropriate decision and thus he seeks an order pari materia.

3. We, thus, direct the CMDA to look into this issue in collaboration with the District Collector and Investigating Officer and may grant permission, if it does not impede in any manner the ongoing investigation or evidence required for trial. The decision be taken within two weeks from the receipt of this order.

4. The writ petition accordingly stands disposed of, leaving the parties to bear their own costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ksr

To

1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai 600 009.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1,Gandhi Irwin Salai,
Egmore, Chennai 600 008.

3.The Inspector of Police,
T-14, Mangadu Police Station,
Chennai 600 122.

4.The Hon'ble Chairman,
Commission of Inquiry,
Chennai 600 028.

5.The District Collector,
Chennai.

+1cc to Mr.M.Sriram, Advocate, S.R.No.12640
+1cc to Mr.N.Sampath, Advocate, S.R.No.12284
+1cc to the Government Pleader, S.R.No.11911

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AK(CO)
CA(07/03/2016)



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