

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.4.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT. TEEKAA RAMAN

Writ Appeal No.1271 of 2010
&
CMP No.7382 of 2017

M/s. Apeejay Surrendra Park Hotels Ltd.
601, Anna Salai
Chennai 600 002. ... Appellant

Vs.

1. State of Tamil Nadu
rep. by the Secretary to Government
Housing and Urban Development Department
Secretariat, Fort St. George
Chennai 600 090.
2. The Corporation of Chennai
rep. by its Commissioner
Ripon Building
Chennai 600 003.
3. The Zonal Officer
Corporation of Chennai
Nungambakkam Zone
Chennai 600 034.
4. The Chennai Metropolitan Development Authority
rep. by its Member Secretary
Gandhi Irwin Road
Egmore
Chennai 600 008. .. Respondents

[R4 impleaded vide order dated
07.3.2008 in M.P.No.2 of 2008]
in WP.No.722/08

Appeal under Clause 15 of the Letters Patent filed against the order dated 22.6.2010 made in W.P.No.722 of 2008.

WP.No.722/08:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to forbearing the respondents their officers employees subordinates agents or any other person(s) claiming or acting under them from in any manner seeking to interfere with the petitioners possession of the property situae at No. 601 Anna Salai chennai-2 and refrain frim seeking to take over any land on the basis that it is a open Space Reserved land without following the due process of law.

For Appellant : Mr.Rahul Balaji
For Respondent - 1 : Mrs.A.Srijayanthi, Spl.G.P.
For Respondents 2 & 3 : Mr.K.Venkataramani
Addl. Advocate General
Assisted by
Mr.R.Arunmozhi
For Respondent - 4 : Mr.N.Sampath

J U D G M E N T
(Delivered by Huluvadi G.Ramesh,J)

The writ appeal is directed against the order dated 22.6.2010 made in W.P.No.722 of 2008.

2. Heard Mr.Rahul Balaji, learned counsel appearing for the appellant, Mrs.A.Srijayanthi, learned Special Government Pleader appearing for the first respondent, Mr.K.Venkataramani, learned Additional Advocate General appearing for the respondents 2 and 3 and Mr.N.Sampath, learned counsel appearing for the fourth respondent.

3. When the writ appeal came up for admission on 30.6.2010, this Court admitted the writ appeal and passed the following order in the application for interim injunction, which reads as follows:

"5. Admittedly, the property has already been taken possession by the Corporation. Therefore, we are of the view that no injunction as prayed for by the appellant could be granted. However, we are of the view that interest of the petitioner also should be protected during the pendency of the writ appeal. Accordingly, with

the consent of the senior counsel on either side, we pass the following order:

- (i) The Corporation of Chennai is permitted to keep the subject property in their possession.
- (ii) The Corporation will permit the petitioner to use the property for ingress and egress to their hotel.
- (iii) The Corporation of Chennai has to maintain status quo with respect to the property.
- (iv) It is open to the Corporation to post their own men -----for safeguarding the property.
- (v) This permission is only in the nature of a temporary license without any kind of equity in favour of the petitioner.
- (vi) This interim arrangement is without prejudice to the contention of the respective parties in the writ appeal.
- (vii) This order will be in force till the disposal of the writ appeal."

4. It appears that the appellant has made a representation to the second respondent on 20.01.2017 submitting a proposal in order to put a quietus to the issue of open space handed over to the second respondent and that the said representation is pending consideration.

5. Admittedly, the order of status quo granted on 30.6.2010 is still in force. Therefore, we are of the view that it would suffice to direct the second respondent to consider the representation of the appellant and pass appropriate orders, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs. Connected CMP is closed.

-s/d-

सुत्राधिकारी न्यायते
Assistant Registrar(CSVIII)

True Copy

Sub-Assistant Registrar

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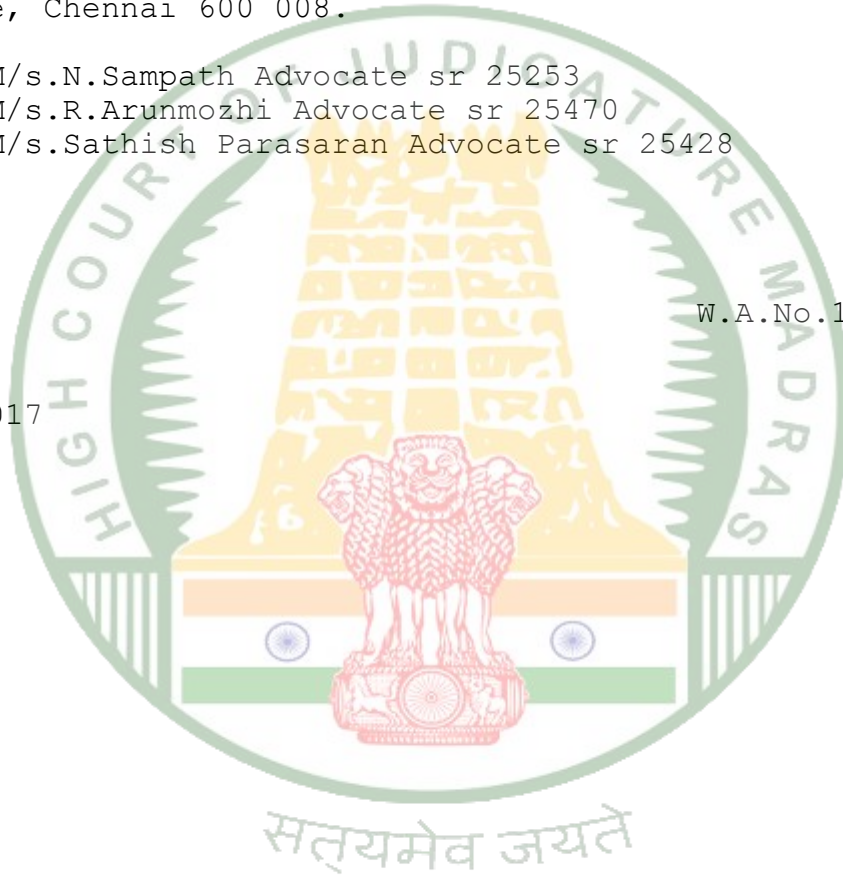
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+1 cc to M/s.N.Sampath Advocate sr 25253
+1 cc to M/s.R.Arunmozhi Advocate sr 25470
+1 cc to M/s.Sathish Parasaran Advocate sr 25428

W.A.No.1271 of 2010

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