

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.SUNDAR

W.P. Nos.7183 and 7199 of 2015 and 28496 of 2014,
M.P.Nos.1, 2, 1 and 2 of 2015,
M.P.No.1 of 2014 in W.P.No.19374 of 2014 and
M.P.No.1 of 2014 in Rev.Aplw. SR 118794 of 2014

W.P.No.7183 of 2015

M/s.Sabari Supermarkets (P) Ltd.
Rep. by its Managing Director,
Mr.KRV Ramani

... Petitioner

-Vs-

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

2. R.Sriram (alias) Rajivakshan

3. M/s.Ramaniyam Real Estates Ltd.
Rep. by its Managing Director,
Mr.V.Jagannathan.

4. Abbotsbury Owners Association,
Rep. by its Authorized Secretary,
Mr.P.Viswanathan.

5. M/s.Nilgiris Franchise Pvt. Ltd.,
Rep. by its Managing Director,
Mr.C.Gopalakrishnan.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of the 1st respondent contained in its Letter No.ESI/20075/2004 dated 09.03.2015 and quash the same.

For Petitioner : Mr.Suhrith Parthasarathy

For Respondents : Mr.K.Raja Srinivas for R-1

W.P.No.7199 of 2015

R.Sriram (alias) Rajivakshan

... Petitioner

-Vs-

1. The Member Secretary,
Chennai Metropolitan Development
Authority, Thalamuthu Natarajar Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

2. Abbotsbury Owners Association,
Rep. by its Authorized Secretary,
Mr.P.Viswanathan.

3. M/s.Ramaniyam Real Estates Ltd.
Rep. by its Managing Director,
Mr.V.Jagannathan.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records relating to the impugned de-occupation notice under Letter No.ESI/20075/2004 dated 09.03.2015 of the 1st respondent and quash the same.

For Petitioner : M/s.AL.Gandhimathi

For Respondents : Mr.K.Raja Srinivas for R-1

W.P.No.28496 of 2014

M/s.Sabari Supermarkets (P) Ltd.
Rep. by its Managing Director,
Mr.KRV Ramani

... Petitioner

-Vs-

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

2. R.Sriram (alias) Rajivakshan

3. M/s.Ramaniyam Real Estates Ltd.
Rep. by its Managing Director,
Mr.V.Jagannathan.

4. Abbotsbury Owners Association,
Rep. by its Authorized Secretary,
Mr.P.Viswanathan.

5. M/s.Nilgiris Franchise Pvt. Ltd.,
Rep. by its Managing Director,
Mr.C.Gopalakrishnan.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of the 1st respondent contained in its Letter No.ESI/20075/2004 dated 09.03.2015 and quash the same.

For Petitioner : Mr.Suhrith Parthasarathy

For Respondents : Mr.C.Johnson for R-1

M.P.No.1 of 2014 in W.P.No.19374 of 2014

R.Sriram (alias) Rajivakshan Petitioner

Vs.

1.Abbotsbury Owners Association
Rep by its Authorised Signatory
Mr.P.Vishwanathan
No.74/42 C.P. Ramaswamy Road
Alwarpet Chennai 18

2.The Member Secretary
Chennai Metropolitan Development Authority
No.1 Gandhi Irwin Road
Egmore Chennai 8

3.M/s.Ramaniyam Real Estates Limited
Rep by its Managing Director
Mr.V.Jaggannathan Sruthi No.11
2nd Main Road
Gandhi Nagar Adyar Chennai 20

... Respondents

Petitioner praying to please to grant further time to handover the vacant possessions up to 31.01.2015 in W.P.No.19374 of 2014 filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to restore the building, namely basement plus ground floor constructed in Block No.II at Door No.74/42, C.P.Ramaswamy Road, Alwarpet, Chennai 18 in accordance with the sanctioned plan issued by the 1st respondent and in terms of the order of this Honourable Court dated 4.1.2007 made in Writ Petition Nos. 41786, 41922, 36741 and 36742 of 2006.

For Petitioner : Mr.L.Chandrakumar
For R1 : Mr.V.C.Janardhanan
For R2 : Mr.K.Raja Srinivas
For R3 : Mr.S.Sundaresan

M.P.No.1 of 2014 in Rev.Aplw. SR 118794 of 2014

M/s.Sabari Supermarkets (P) Ltd.
Rep. by its Managing Director,
Mr.KRV Ramani

... Petitioner

-Vs-

1. Abbotsbury Owners Association,
Rep. by its Authorized Secretary,
Mr.P.Viswanathan, Chennai 18.
 2. The Member Secretary,
Chennai Metropolitan Development
Authority, No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
 3. R.Sriram (alias) Rajivakshan
 4. M/s.Ramaniyam Real Estates Ltd.
Rep. by its Managing Director,
Mr.V.Jagannathan, Chennai 20.
- ... Respondents

Petition filed under Section 151 of C.P.C., pleaded to grant leave to Review Petition to file the present Review Petition.

For Petitioner : Mr.K.A.Vimal Kumar

For R1 : Mr.V.S.Janardhan

For R2 : Mr.Sampath

For R3 : Mr.L.Chandrakumar

For R4 : Mr.S.Sundaresan

O R D E R

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

The passage of time and the intermittent proceedings have resulted in a situation where the area in question is under lock and seal of the CMDA and even the parties, who had goods stored there, were permitted to remove the same. Thus, the only issue

remaining is that the area has to be restored to its use as per the approved plan.

2.The petitioners in the writ petitions are the owners and they may file necessary affidavit with the CMDA as to how much period of time would they require to restore that portion to its original use and for that purpose alone, the seal will be removed. Such an affidavit should be filed within fifteen (15) days from today, failing which it shall be assumed that the said petitioner is not interested in restoring the premises. In either eventuality, the CMDA would then be entitled to restore the portion to its original position and recover the costs from the owners.

3.Petitions, accordingly, stand disposed of. No costs. Consequently, connected miscellaneous petitions stand closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sra

To

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

+1cc to Mr.AL.Gandhimathi, Advocate, S.R.No.3369

+1cc to Mr.C.Johnson, Advocate, S.R.No.3293

+1cc to Mr.K.Raja Srinivas, Advocate, S.R.No.3252

+2cc's to Mr.Suhrith Parthasarathy, Advocate, S.R.Nos.3256 & 3257

W.P.Nos.7183 and 7199 of 2015
and 28496 of 2014

KJI (CO)
CA(30/01/2017)