

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND**

THE HON'BLE MS. JUSTICE J. UMA DEVI

W.A.M.P.Nos.2353 and 2352 of 2017

and/in

Writ Appeal No.1288 of 2017

COMMON JUDGMENT: (per Hon'ble the Acting Chief Justice Sri Ramesh Ranganathan)

As it is contended that appellants 1 and 2 are no longer members of the Society, leave to prefer an appeal is granted only to the 3rd appellant. The petition, filed to dispense with the filing of a certified copy of the order impugned in this appeal, is allowed. This appeal, under Clause 15 of the Letters Patent, is preferred against the interim order of the Learned Single Judge in W.P.M.P. No.36545 of 2017 in W.P.No.29366 of 2017 dated 31.08.2017 directing the GHMC not to interfere with the possession and enjoyment of the petitioner-Society until further orders.

While the order under appeal required the GHMC not to interfere with their possession and enjoyment, it did not permit the 1st respondent-writ petitioner to proceed with construction. The present Writ Appeal has been filed contending that the 1st respondent-writ petitioner was proceeding with construction under the protection of the interim order under appeal, without obtaining prior permission from the GHMC.

While initially Sri K.Chidambaram, Learned Counsel for the 1st respondent-writ petitioner, contended that all that was being constructed by them was a small shed to run their office, he later conceded that the exercise of construction of the shed was undertaken without obtaining prior permission from the GHMC. It is wholly unnecessary for us to dwell on this issue any further, or to examine the contentions urged by Learned Counsel on either side on merits, as Sri K.Chidambaram, Learned Counsel, undertakes that the 1st respondent-writ petitioner would not make any further construction

without the prior approval of the GHMC, or till the disposal of the Writ Petition, whichever is earlier.

In the light of the submission now made by Sri K.Chidambaram, Learned Counsel for the 1st respondent-writ petitioner, the Writ Appeal is disposed of directing the 1st respondent-writ petitioner not to make any further construction without obtaining prior permission from the GHMC. We make it clear that we have not interfered with the order under appeal in so far as the GHMC has been directed not to interfere with the 1st respondent-writ petitioner's possession and enjoyment. The 3rd appellant herein is hereby impleaded as the third respondent in the Writ Petition. It is also made it clear that neither the order passed by us, nor the order under appeal or the pendency of the Writ Petition, shall disable the 1st respondent-writ petitioner from seeking permission of the GHMC to make construction; and, on such permission being granted, to proceed with construction in accordance with law. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ

J. UMA DEVI, J.

Date:06.09.2017.
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