

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the First day of October Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE K.K. SASIDHARAN

and

THE HON`BLE MR JUSTICE R. SUBRAMANIAN

WMP Nos.30301 and 30304 of 2018

IN WP.5984/2018

A.JANAKIRAMAN [PETITIONER IN BOTH THE PETITIONS]

Vs

1 K.THIRUNAVAKKARASU, [RESPONDENTS IN BOTH THE PETITIONS]

2 THE COMMISSIONER,
CORPORATION OF CHENNAI, CHENNAI-3.

3 THE REGIONAL JOINT
COMMISSIONER (SOUTH), CORPORATION OF CHENNAI,
CHENNAI-3.

4 THE EXECUTIVE ENGINEER,
ZONE XIII, CORPORATION OF CHENNAI, NO.115,
DR.MUTHULAKSHMI SALAI, ADYAR, CHENNAI-600 020.

5 K.N.MURUGAN,

Petitions praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(i) please to implead the petitioner/Third party as party 5th respondent in the above writ petition WP.5984 of 2018 (in WMP.30301/2018) and;

(ii) please to suspend the order of demolition passed by this Hon'ble Court in WP.No.5984/2018 dated 3.9.2018 till such time the writ petition is heard and decided on merit (in WMP.30304/2018)

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of MR.M.HIMAVANTH, FOR M/S.S.MARSHALL, Advocate for the petitioner in both the petitions and of MR.A.R.NIXON, Advocate for the 1st Respondent and of MR.A.NAGARAJ, Advocate for the 2nd Respondent in both the petitions the court made the following order:-

The Miscellaneous petition in W.M.P.No.30301 of 2018 is filed by a third party to implead him as a party to the Writ Petition in W.P.No.5984 of 2018. The connected Miscellaneous petition in W.M.P.No.30304 of 2018 is filed by the same third party to suspend the order passed by this on 3.9.2018, directing the Corporation to demolish the superstructure.

2. We have heard the learned counsel for the petitioner, the learned counsel for the first respondent and the learned Standing Counsel for the Chennai Corporation.

3. According to the petitioner, the first respondent obtained orders from this Court on 3 September 2018 for demolishing the superstructure without impleading him and suppressing the background facts.

4. This Court, taking into account the submission made on behalf of the first respondent, directed the authorities to demolish the superstructure involved in the Writ Petition and report compliance by 3 October 2018.

5. The petitioner has raised several contentions, taking into account the earlier proceedings. Those contentions deserve to be considered, after filing counter affidavit in W.M.P.No.30301 of 2018. We therefore direct the first respondent to file a counter affidavit taking into account the contentions taken by the petitioner in the affidavit filed in support of the petition.

6. We direct the Chennai Corporation to maintain status quo, by keeping the order of demolition in abeyance.

Post the matter on 8 October 2018.

-sd/-
01/10/2018

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE COMMISSIONER,
CORPORATION OF CHENNAI,
CHENNAI-3.

2 THE REGIONAL JOINT
COMMISSIONER (SOUTH),
CORPORATION OF CHENNAI, CHENNAI-3.

3 THE EXECUTIVE ENGINEER,
ZONE XIII, CORPORATION OF CHENNAI,
NO.115, DR.MUTHULAKSHMI SALAI, ADYAR,
CHENNAI-600 020.

C.C. to M/S.S.MARSHALL Advocate on payment of necessary
charges

Order

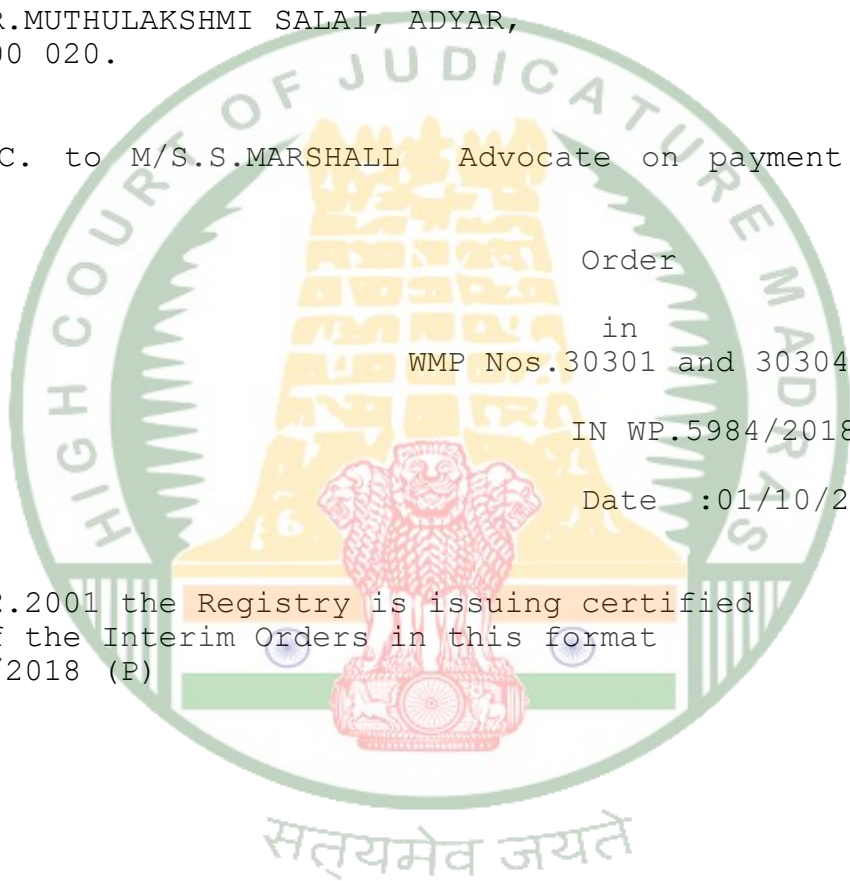
in

WMP Nos.30301 and 30304 of 2018

IN WP.5984/2018

Date :01/10/2018

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
RRI 05/10/2018 (P)



WEB COPY