

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated:11.01.2019

Coram
THE HONOURABLE Mr.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE R.PONGIAPPAN

W.P.No.18666 of 2017

Raja Garden Residence
Owners Welfare Association
Reg. No.107/2014
Rep. By its President
Mr.R.Jagadeesan

.. Petitioner

Vs.

- 1.The Member Secretary
CMDA, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 2.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.
- 3.The Executive Engineer,
Town Planning Establishment Section,
Central Zonal Office,
Chennai Corporation,
No.36-B, Pulla Avenue
Shenoy Nagar, Chennai - 600 030.

4.V.Chandra

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the Respondents to consider the representation of the Petitioner Association dated 15.09.2014 and thereby direct the 2nd Respondent to implement the order passed by the 1st Respondent in their Letter No.G/PIO/7758/2014 dated 01.12.2014.

For Petitioner : Mr.P.Chandrasekar
For Mr.K.Muthuraj

For 1st Respondent : Mr.K.Karthick Rajan

For Respondents 2 & 3 : Mr.K.Soundararajan

For 4th Respondent : Mr.S.Nagarajan

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Heard the Learned Counsel for the Petitioner, the Learned Counsel for the 1st Respondent/CMDA, the Learned Counsel for the Respondents 2 and 3 and the Learned Counsel for the 4th Respondent.

2. According to the Petitioner/Association, it is registered in 2014 for the Welfare of the inmates which consists of more than 30 Residential Houses. As a matter of fact, the Association is established for the Welfare of the owners of residents.

3. The stand of the Petitioner is that the 4th Respondent with the help of her husband by name Venkatesan @ Peravallur Venkatesan had illegally constructed a Kalyana Mandapam in the name of Shri Venkateshwara Mahal on the land belonging to the Tamil Nadu Slum Clearance Board without any title or right including the Paper Mills Road and utilised 10 feet in 20 feet road in the Raja Garden Welfare Association including third party property and that the said Kalyana Mandapam was constructed without any strong basement.

4. It is represented on behalf of the Petitioner that the 4th Respondent belonging to a Member of a Political party had indulged in illegal activities by encroaching the Government land and constructed the Kalyana Mandapam without obtaining any proper planning permission.

5. The Petitioner/Association submitted various representations to the authorities to take action against the construction of Kalyana Mandapam and also issued communication under the Right to Information Act seeking information as regards the Planning Permission for which the authorities had not furnished any proper reply to the Petitioner/Association and only the 1st Respondent gave a communication dated 01.12.2014 which was addressed to the 2nd Respondent/Commissioner, Corporation of Chennai, a copy of which was marked to the Petitioner/Association wherein it was mentioned that for construction of Kalyana Mandapam, no permission was obtained and that no security deposit was involved concerning the building and the same was forwarded to the Corporation of Chennai for taking necessary enforcement action exercising the powers delegated by the 1st Respondent/CMDA and also as per the Madras City Municipal Corporation Act, 1919 and directed the 2nd Respondent/Commissioner, Greater Chennai Corporation to take further action in the subject matter in issue.

6. The grievance of the Petitioner is that inspite of the communication issued by the 1st Respondent to the 2nd Respondent

through letter dated 01.12.2014, no action was taken by the 2nd Respondent till date inspite of several reminders addressed in this regard. Even on 15.10.2016 the Petitioner/Association sent communication to the 1st Respondent/Member Secretary, CMDA for taking necessary action on their communication dated 01.12.2014 and the 1st Respondent through letter 19.12.2016 had directed the Petitioner/Association to approach the 2nd Respondent for redressal of it's grievances. Based upon the communication of the 1st Respondent, the Petitioner/Association on 04.02.2017 had issued another representation to take action against the 4th Respondent for illegal act of the construction of the Kalyana Mandapam. Further, inspite of the fact that the authorities had not taken any action against the 4th Respondent, the 4th Respondent is continuously conducting the marriages in the said building which does not have any proper pillars emergency exit and other norms prescribed by Local Body and also the Development Authority and that there is possibility of building collapse at any point of time which may cause serious damages to the human lives and also to the neighbouring residential houses. Therefore, the Petitioner has filed the present Writ Petition praying for passing of an order by this Court in directing the Respondents to consider the representation of the Petitioner/Association dated 15.09.2014 and also for passing of an order in directing the 2nd Respondent/Commissioner, Greater Chennai Corporation to implement the order passed by the 1st Respondent in Letter No.G/PIO/7758/2014 dated 01.12.2014.

7.Per contra, it is the submission of the Learned Counsel for Respondents 2 and 3 that in respect of the building at No.4, Raja Garden, Peravallur, Chennai - 82, after following the procedures enunciated under the Tamil Nadu Town and Country Planning Act, 1971 the first and third floors of the subject property were sealed on 30.07.2018. Apart from that, it is represented on behalf of the Respondents 2 and 3 that the third floor is an unauthorised one and that the first floor is used for commercial purpose and therefore, both the floors were sealed. In fact, in the second floor, the 1st Respondent is residing and it is an approved construction, but there are deviations in the said floor. An earlier order dated 31.08.2017, this Court had directed the Electricity Board to disconnect the Electricity connection to the first and third floors only after observing that the 4th Respondent is residing in second floor and as such, the enforcement action against the second floor is deferred.

8.The Learned Counsel for the Respondents 2 and 3 brings it to the notice of this Court that mother of the 4th Respondent viz., Dhanalakshmi addressed a complaint on 07.04.2015 about the unauthorised construction at Plot No.3, Raja Garden, Peravallur, Chennai - 82 and also filed a W.P.No.14428 of 2015 about the unauthorised construction at Plot Nos.3 and 4. On 02.02.2016,

this Court had disposed of the said Writ Petition after recording the submissions made by the Corporation that notice calling for the approved plan was issued on 11.12.2015 and thereafter, a lock and seal notice was issued on 14.12.2015. One Srinath, who was the 8th Respondent in the aforesaid Writ Petition, had addressed a letter on 08.01.2016 and informed that against the locking and sealing notice issued by the Greater Chennai Corporation, he had preferred an Appeal before the Government and requested the Corporation of Chennai not to proceed further until the disposal of the Appeal. However, a de-occupation notice was issued on 04.04.2016 and inasmuch as the said Srinath had refused to receive the notice, the same was affixed on 15.06.2016.

9.It comes to be known that the Petitioner in W.P.No.14428 of 2015 again addressed a complaint to the 1st Respondent which was forwarded to the Chennai Corporation and thereafter, an order from the Regional Deputy Commissioner - Central was obtained on 17.06.2016 for locking and sealing the premises. In the meantime, the Government on 06.07.2016 had sent a communication informing the date of hearing on the Appeal preferred by the said Srinath. The Government on 12.08.2016 had allowed the Appeal by making the following observations:

"4.The Government after careful examination observed that the impugned construction is very small considering of only ground floor structure and there is only minor violations of set back on one side. Further, the building is an old structure constructed prior to 1991. Hence, the appeal petition filed by Thiru.H.Srinath under Section 80A of Tamil Nadu Town and Country Planning Act, 1971 is allowed and the notice of lock and seal is hereby set aside."

10.At this juncture, the Learned Counsel for the Respondents 2 and 3 contends that Dhanalakshmi made a complaint against the construction made in Plot No.4, Raja Garden, Peravallur, Chennai - 82 and in view of the oral withdrawal of the complaint, no further proceedings against the building was taken at that time. Later, the owners of Plot No.4 had applied for regularisation of Plot under Section 122 of the Tamil Nadu Town and Country Planning Act, 1971 before the Chennai Corporation on 29.06.2017 which was approved on 22.03.2018. Indeed, the owners had informed that they would approach the Authorities for obtaining a new approved plan. After three years, the said Dhanalakshmi preferred W.P.No.9449 of 2018 seeking a direction to take appropriate consequential proceedings pursuant to the lock and seal notice issued in respect of Plot No.3. In fact, the said Dhanalakshmi had not mentioned anything about the Government Order passed in respect of Plot No.3, but filed the Writ

Petition seeking a direction to take action in respect of Plot Nos.3 and 4. Since the locking and sealing notice in respect of Plot No.3 was set aside by the Government, no further action was taken by the Chennai Corporation.

11.Added further, the Learned Counsel for Respondents 2 and 3 points out that on 01.08.2018 an inspection was conducted in respect of Plot No.4 and it was found that the building was divided into two and in one part, one Pettiammal is residing in an old house and therefore, a notice calling for the approved plan was served on her on 02.08.2018. The other part of the Plot was purchased by one Devaraj and a new construction was going on and therefore, a notice calling for the approved plan was served on him on 02.08.2018.

12.The Learned Counsel for Respondents 2 and 3 submits that in respect of Plot No.1A, Raja Garden, an application for grant of approved plan for demolition and reconstruction was filed by the owner on 14.08.2014 before the Office of the Regional Deputy Commissioner - Central, Corporation of Chennai, but the same was not considered and a communication was sent to the owner informing that the proposed site abutting the road falls under the Road Widening of Paper Mills Road as per the Second Master Plan of the CMDA Development Regulations and therefore, the owner was requested to draft a Gift Deed. In this connection, it is represented on behalf of the Respondents 2 and 3 that the width of the Paper Mills Road was 13.6 Metres in front of the owners of Plot No.1A, whereas the proposed road width as per Second Master Plan is 18 Metres and as per the Development Regulation No.23, it is mandatory that the owners should execute a Gift Deed before issuance of Planning Permission. In such an event, the Developer will obtain a Transfer of Development Right Certificate which can be utilised by him or he can sell it to others thereby getting an equivalent FSI.

13.The Learned Counsel for Respondents 2 and 3 proceeds to make a mention that the owners of the Members of the Petitioner/ Association assailed the aforesaid proceedings in W.P.No.23617 of 2015 and this Court, on 15.10.2015, had disposed of the Writ Petition by granting liberty to the owners to file objections within a period of two weeks and thereafter the Corporation can take a decision in accordance with Law.

14.The prime stand of the Respondents 2 and 3 is that the owner of Plot No.1A had commenced the construction work without any valid plan and therefore, the construction was treated as an unauthorised one and notices were issued under Sections 55, 56 and 85 of the Tamil Nadu Town and Country Planning Act, 1971 by the Executive Engineer, Enforcement, O/o the Regional Deputy Commissioner - Central to restore the land to its original condition. The stop work notice was issued on 24.06.2015 and

thereafter, a locking and sealing notice was issued on 30.06.2015. The owner of Plot No.1A had challenged the said notice before the Government under Section 80A of the Act, 1971, but the same was not entertained since the building was not sealed, by an order dated 16.09.2015. Thereafter, a de-occupation notice was issued by the Enforcement Wing of the Corporation on 29.09.2015. Once again, the 4th Respondent (Chandra) filed W.P.No.14429 of 2015 praying for necessary direction may be issued against the unauthorised construction put up in Plot No.1A and this Court on 02.02.2016 had recorded the notices issued by the Corporation on 24.06.2015 and 30.06.2015 and disposed of the Writ Petition. In the interregnum, by means of proceedings of the Commissioner of the 2nd Respondent/Chennai Corporation dated 02.08.2016, the powers were delegated to take action against the unauthorised or deviated buildings to the Zonal Executive Engineers. In any event, a fresh de-occupation notice was issued on 06.08.2018 and further proceedings of lock and seal would be taken in accordance with Law.

15.The Learned Counsel for the Respondents 2 and 3 comes out with a plea that after the Writ Petitions in W.P.Nos.9449 to 9451 of 2018 filed against the Respondents were disposed of on 17.04.2018, the properties in Plot Nos.1A, 3, 4 and 9 were inspected on 09.07.2018 and an enquiry was conducted on 14.07.2018 after giving notice to all the parties. During the course of enquiry, the parties had submitted the documents in support of their cases. Both the Petitioner and the Respondents submitted the patta in their favour and therefore, in order to ascertain the real owners, the Corporation had addressed a letter on 19.07.2018 to the Tahsildar, Ayanavaram Taluk and a request was made to clarify the same. Likewise, another letter dated 19.07.2018 was addressed to the Sub Registrar, Sembium for clarifying the issue. The said developments were communicated to the Writ Petitioner on 23.07.2018 in W.P.No.9449 of 2018 which was filed as regards Plot No.3 and 4 of Raja Garden. In respect of the lock and seal notice issued to Plot No.3, the owner H.Srinath projected an Appeal before the Government and the Government on 12.08.2016 had allowed the Appeal. In regard to Plot No.1A of Raja Garden for which W.P.No.9450 of 2018 was filed, the above said procedures were followed and the developments were communicated to the Writ Petitioner. As regards the Plot No.9 of Raja Garden for which W.P.No.9451 of 2018 was filed, earlier W.P.No.41013 of 2016 was filed by Dhanalakshmi and three others against the owner of Plot No.9 with a prayer to remove the unauthorised construction, but the same was withdrawn by the Petitioners for the reason that civil suit was already pending in respect of the land over which the alleged unauthorised construction was purportedly made. After the disposal of W.P.No.9451 of 2018 on 17.04.2018, the properties in Plot No.9 was inspected on 09.07.2018 and enquiry

was conducted on 14.07.2018 after issuing notice to all the parties. The parties submitted patta in their favour and with a view to ascertain the real ownership, the Chennai Corporation had addressed a communication to the Tahsildar, Ayanavaram Taluk on 19.07.2018 and a request was made to clarify in this regard.

16.The Learned Counsel for the Respondents 2 and 3 points out that a Civil Suit in O.S.No.6592 of 2004 filed by Dhanalakshmi, Chandra and 2 others [Petitioners in W.P.No.9449 to 9451 of 2018] against the Respondents seeking the relief of partition and the said suit is pending on the file of the Learned III Additional Judge, City Civil Court, Chennai.

17.The Learned Counsel for the 4th Respondent submits that the Petitioner/Association has not come to Court with clean hands and none of the Members of the Association had put up construction after securing permission and that the Respondents 1 to 3 are to take necessary action against the unauthorised construction put up by the Writ Petitioner's Association. Because of the fact that the 4th Respondent had questioned the unauthorised construction put up by some Members of the Association, without obtaining any planning permission, the 4th Respondent is singled out as if she is running the Kalyana Mandapam. As a matter of fact, the Corporation of Chennai is taking action against the 4th Respondent's building which was constructed after obtaining planning permission as early as in the year 1993 and in the first and second floor portions are residential houses of the 4th Respondent and she is residing there.

18.The Learned Counsel for the Respondents 2 and 3 takes a stand that against the de-occupation notice issued by the Corporation on 18.12.2018 to the tenants in the ground floor and the tenants R.Jainulandhin and three others filed an Appeal before the Secretary to Government, Housing and Urban Development Department under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 on 20.12.2018. Later, the tenants had approached this Court by filing W.P.No.204 of 2019 and this Court on 04.01.2019 at paragraph 3, had observed the following:

"3.In view of the fact that an appeal has been preferred as well stay petition has also been preferred, it would suffice it directions are issued to the first respondent, i.e., The Secretary to Government of Tamilnadu, Housing and Urban Development Department, who is the concerned authority, to consider and dispose of the stay petition preferred by the petitioners within a period of two weeks from the date of receipt of the order. The learned counsel for the petitioners also states that if the stay

petition is disposed of within two weeks, he does not wish to press the prayer sought for in this writ petition.”
and disposed of the said Writ Petition without costs.

19. Furthermore, the 4th Respondent preferred an Appeal under Section 80A of the Town and Country Planning Act, 1971 on 20.12.2018 against the de-occupation notice issued to her on 18.12.2018. Since no stay order was obtained by the 4th Respondent, the Zonal Officer, Zone - VI sought administrative order from the 2nd Respondent/Commissioner, Greater Chennai Corporation for sealing the premises of the second floor of the building in which the 4th Respondent is residing. Added further, it is represented on behalf of the Respondents 2 and 3 that on receipt of the order from the 2nd Respondent/Commissioner, Chennai Corporation, the second floor would be sealed.

20. It is to be pointed out that the notice visualised under Section 56 of the Tamil Nadu Town and Country Planning Act is a 'Decision'. Further, the jurisdiction of Civil Court is barred and that such notice shall not have any effect pending determination of application under Section 49(3) of the Tamil Nadu Town and Country Planning Act, 1971 as per decision Chennai Metropolitan Development Authority V. Abdur Rahman, Hotel Nest International, Chennai, 2002 (3) LW 309.

21. At this stage, this Court aptly points out the decision in S.Ravi V. Commissioner, Municipal Corporation of Madras and others, 1994 (2) MLJ 295 at special page 296 wherein it is observed and held as under:

“The petitioners who are 'aggrieved' can invoke the extraordinary jurisdiction under Art.226 of the Constitution. It is difficult to appreciate the contention that some manifest injustice should be shown by the petitioners before invoking the extraordinary jurisdiction of this Court. It is enough if the petitioners are able to show that they have got enough interest in the matter. It cannot be said that the petitioners herein are strangers or busybody or meddlesome interlopers. Their grievance is justified and it cannot be said that they have no locus standi to invoke the extraordinary jurisdiction of this Court. It is a settled position of law that, even if exercise of power is purely administrative in nature, if it adversely affects any person, the principle of natural justice must be observed and the person concerned must be heard. Violation of the principles of natural

justice makes the exercise of power ultra vires and void. It is equally well-settled that if there is a power to decide to the prejudice of a person, the nature of such statutory duty itself implies an obligation on the part of the statutory authority exercising the power to hear the affected person before taking a decision. The Apex Court has repeatedly held that where there is nothing in the statute which prohibits giving of an opportunity to the affected person to be heard, the audi alteram partem rule could be imported. The impugned order is set aside on the sole ground that it is violative of the principles of natural justice."

22. Further, in the decision P.A.Rani V. K.G.Krishnan and others, AIR 1994 Madras 323 at special page 327 & 328, wherein at paragraphs 11 & 12, it is observed as follows:

"11. The next point for consideration is, whether the appellant in W.A. No. 425 of 1994, who claims to be the lessee, should be permitted to occupy the first, second and third floors of the building, pending decision on the application filed for permission by the owner. We have recorded a finding on point No. (i) that the building is an unauthorised one. Of course, the penal provisions of the Act for contravention of Sections 48, 49 and 56 do provide for penalty. The question to be decided is as to whether the fact that there is a penal provision for contravention of some of the provisions of the Act, by itself be a ground for the court to permit the unauthorised construction to be used as though it is constructed with authority. One of the objects of the Act is to ensure development of the city in accordance with the Master Plan, therefore, Section 48 specifically provides that no construction activity whatsoever shall be taken up in the area covered by the Master Plan from the date of its publication without the written permission of the appropriate planning authority. If the object of the Act is to be achieved and a proper implementation of the same is to be ensured, permitting the owner/lessee to occupy the unauthorised construction cannot be considered to be consistent or in conformity with the object

and ensuring proper implementation of the provisions of the Act. If such an unauthorised construction is permitted to be occupied, every owner of a land would with impunity put up construction without obtaining permission and whenever action is taken, he would apply for permission with the result, the very object of the provisions contained in Section 48 of the Act would be defeated. Any such interpretation which gives rise to such a situation and thereby defeats the very purpose of the Act, should be avoided as it would undermine the provisions, and the object, of the Act. In these circumstances, we are of the view that the unauthorised construction should not be permitted to be occupied, pending consideration application for permission re-submitted by the owner. This will at least deter owners of lands not to take up any development activity on the land without the written permission from the Planning Authority. Normally, in such enactments, there will be a provision that, if the result of such an application is not communicated within the prescribed period, the permission sought for must be deemed to have been granted, but the Act in question does not contain any such provision. It only shows that the Legislature intended that the provisions of the Act should be strictly adhered to and no construction should be put up without the written permission. The intentment and the object of the Act can be ensured only by directing that the unauthorised construction should not be occupied until the application seeking permission is filed for permission is considered.

12. In support of the contention that the lessee must be permitted to occupy the building pending consideration of the application seeking permission, Mr. Vijay Shankar, learned Senior Counsel appearing for the appellant in W.A. No. 425 of 1994, has placed reliance on the decision of a learned single Judge of the Calcutta High Court in Calcutta Construction Investment Company v. Sekhar Chand, and, in particular he relied on the observations made in Paragraph 12 of the Judgment which are as follows at Page 329 :

"In view of the fact that the defendant No. 2, Manick Chandra Damani, has come into the picture and parted with large sum of money and in fact has taken possession of the property and party let out the said premises to the sub-lessees and also because of that fact there is no prima facie proof that Manick Chand Damani had any knowledge whatsoever of agreement entered into by and between the plaintiff and the defendant No. 1, there should be no order of injunction prejudicing the rights of the subsequent parties."

That was a case arising out of the contractual relationship between the parties. The same principle cannot at all be applied to a case, where there is a statutory violation. Hence the decision cannot be applied to the instant case. Having found that the appellant in W.A. No. 425/94 is not a bona fide lessee, to permit it to occupy the building would be putting a premium on the illegal act of the appellants. The appellants cannot be permitted to take advantage of their own illegal act. Hence, we are of the view that pending consideration of the application seeking permission, neither the owner nor the lessee should be permitted to use the first, second and third floors of the building in question. As far as the cellar and ground floor is concerned, the owner is free to use them in accordance with law."

23. Apart from that, in the decision Madras Race Club V. Chennai Metropolitan Development Authority, (2006) 4 M.L.J. 1 at special page 2, it is held as under:

"A person proceeding with unauthorised constructions, in total violation of the Rules is not entitled to invoke exemption under Section 49 of the Tamil Nadu Town and Country Planning Act, which could be granted only in slight deviations. If the Construction is illegal it has to be demolished."

24. Moreover, in the decision R. Antony Doss V. The State of Tamil Nadu reported in 1991-2-L.W.-525 at special page 528, wherein at paragraph 10, it is observed as follows:

"10. We have taken care to compare the

language in Section 79 of the Tamil Nadu Town and Country Planning Act, 1971, with that of Section 91, where delegation of powers is contemplated. Section 91 says that the Government or the Director may, by notification, authorise any officer or authority to exercise any of the powers vested in them or him by this Act, except the power of the Government to make rules and the power of the Director to hear any appeal preferred under Section 76. Whereas in Section 76, the power to hear appeal is vested in the prescribed authority, and not the State Government. So, there is no authority, and not the State Government. So, there is no authority given to the State Government to hear any appeal under Section 79 of the Act. The State Government may become the prescribed authority only when by prescription of law or notification issued in exercise of the rule-making powers of the State Government, the appellate power to hear appeals under Section 79 is given to the State Government. That is how the Courts in India have distinguished between the power vested by an Act and the power vested under an Act. Be that as it may, we are satisfied that the instant case is one in which Appeal Committee had no jurisdiction to but in and since the impugned order is based upon the report of the Appeal Committee, the same is without jurisdiction."

25.Also, in the decision Nalini Chidambaram V. State of Tamil Nadu reported in 1990 (1) MLJ 222, it is observed that 'Orders passed under Section 79 of the Act cannot be reviewed by the Government'. Added further, in the decision Hajee Moosa Sulaiman Sait and others V. State of Tamil Nadu reported in 1991 (1) MLJ 493 at special page 494, it is observed and held as under:

"Sec.79(3) of the Tamil Nadu Town and Country Planning Act, 1972 confers on the appellate authority, while disposing of an appeal, a very comprehensive power to 'pass such order thereon as the prescribed authority may deem fit.' Different statutes confer appellate powers on specified authorities and their amplitude will depend upon the terms of conferment. The set of expressions used in Sec.79(3) are similar to it has been used in other statutes, and it has been always

countenanced that it gives powers of widest character on the appellate authority so as to take in a power of remand."

26.It is to be pointed out that the Town Planning legislation is made for the purpose of regulation of land with a view to prevent haphazard development of a town. In fact, the Town Planning Schemes, rules, regulations framed for the regulation of buildings are for public interest and normally the Court will not interfere with it, as per decision of the Hon'ble Supreme Court in State of West Bengal V. Terra Firma Investment and Trading (P) Limited, 1995 1 SCC 125.

27.Be that as it may, in view of the fact that the Appeal jointly preferred by the four Tenants is pending as on date before the Government and also this Court taking note of the yet another fact that the 4th Respondent, owner of the property had also preferred an Appeal before the Secretary to Government of Tamil Nadu, Housing and Urban Development Department, which is pending (in respect of the de-occupation notice issued on 18.12.2018), this Court is of the considered view that the Petitioner as well as the respective parties are to wait for the outcome of the order to be passed in the Stay Application filed by the Tenants before the Secretary to Government, Housing and Urban Development Department, Fort St. George, Chennai and viewed in that perspective, this Court disposes of the Writ Petition. Further, based on the outcome of the order to be passed in Stay Petition filed by the Tenants in pending Appeal as well as the Appeal filed by the 4th Respondent, it is open to the Petitioner/Association to take further course of action before the concerned authorities, if situation so warrants/advised.

28.With the aforesaid observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Sgl

To

1.The Member Secretary
CMDA, Gandhi Irwin Road,
Egmore,
Chennai - 600 008.

2.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai - 600 003.

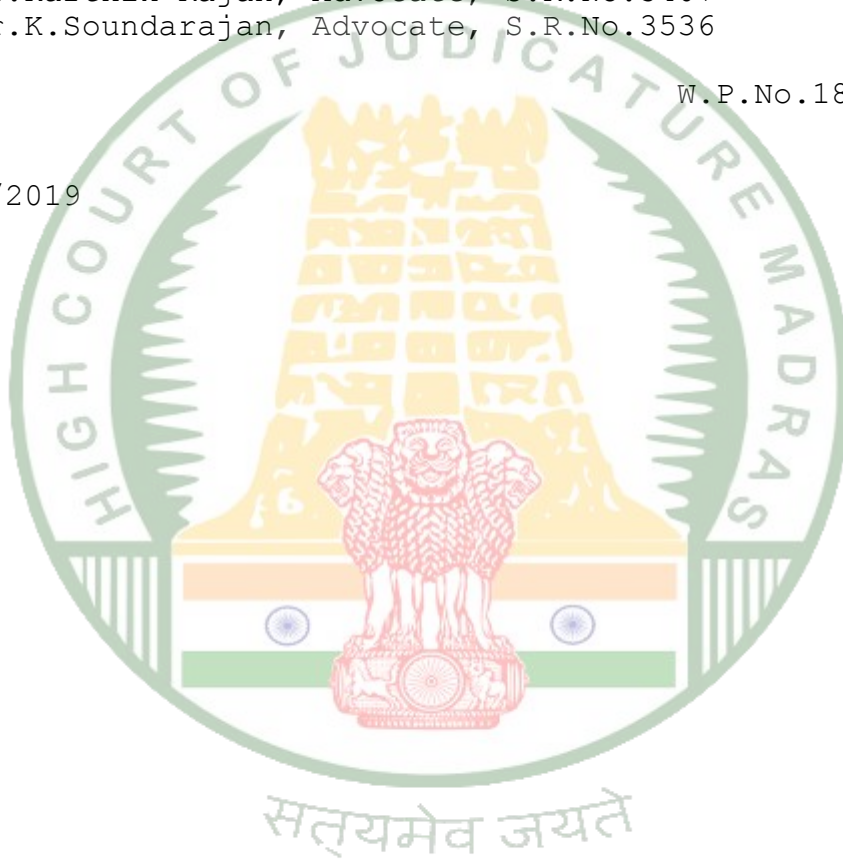
3.The Executive Engineer,
Town Planning Establishment Section,
Central Zonal Office,
Chennai Corporation,
No.36-B, Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.

+lcc to Mr.S.Nagarajan, Advocate, S.R.No.3367
+lcc to Mr.Karthik Rajan, Advocate, S.R.No.3407
+lcc to Mr.K.Soundarajan, Advocate, S.R.No.3536

W.P.No.18666 of 2017

SV(CO)

rrs 14/02/2019



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