

WP.No.35375/2019

M.SATHYANARAYANAN, J.
and
A.A.NAKKIRAN, J.

[Order of the Court was made M.Sathyaranayanan, J. through Video Conferencing]

Today, the matter is listed under the caption "For Clarification" at the instance of the learned counsel for respondents 9, 10, 12 to 18, who would submit that in paragraph No.26 of the order, though there is an observation as to the availment of the special revision/appeal u/s.80-A of the Town and Country Planning Act, 1971, there was no direction as to the consideration and disposal of the petitions for interim relief and till such time, deferment of the further proceedings and therefore prays for appropriate clarification.

2.The Court heard the submissions of Squadron Leader C.B.Menon-Petitioner / Party-in-person and the respective learned counsels appearing for the respondents who have no serious objections.

3.Paragraph No.26 of the order dated 04.03.2021 is to be read as follows:-

"26. Insofar as the alleged unauthorized

deviated construction put up by the private respondents, they have availed Statutory remedies in the form of Special Revisions / Appeals before the 3rd respondent, which are pending for nearly one year and odd. Therefore, this Court directs the 3rd respondent to accord priority and give a disposal to the Special Revisions / Appeals filed by the private respondents, viz., respondents 9, 10, 12, 13, 17 and 18, along with the petitions for interim relief, if the papers are otherwise in order, if not already entertained and take up the petitions for interim relief at the first instance and give a disposal in accordance with law within a period of eight weeks from the date of receipt of a copy of this order / uploading of the order in the Website and communicate the decision taken to the respondents 9, 10, 12, 13, 17 & 18 as well as to the petitioner/party-in-person and till such time, respondents 1, 2 and 3 shall defer further decision as to the demolition of the alleged offending construction. It is made clear that respondents 9, 10, 12, 13, 17 and 18, till the disposal of the special revisions/appeals by the authority concerned, shall not create any third party right in respect of the land and superstructures in question. In the light of the alternative remedy, Clause 49 of the

Bye-laws of the 8th respondent Society coupled with Section 90 of the Cooperative Societies Act, 1983 and subject to issue relating to limitation of delay and laches, the petitioner is at liberty to workout his further remedies in accordance with law, before the competent Forum, if he is so advised. It is also made clear that the respective private respondents had availed remedy before the 3rd respondent, by way of Special Revision / Appeals, shall not create any third party rights in respect of the superstructures in question and shall not alter the physical features also.

4.Registry is directed to carry out necessary correction and re-issue the copy of the order subject to payment of necessary charges and also dispatch the same to the official respondents.

5.Clarified accordingly.

[MSNJ]

[AANJ]

01.04.2021

AP

Internet : Yes

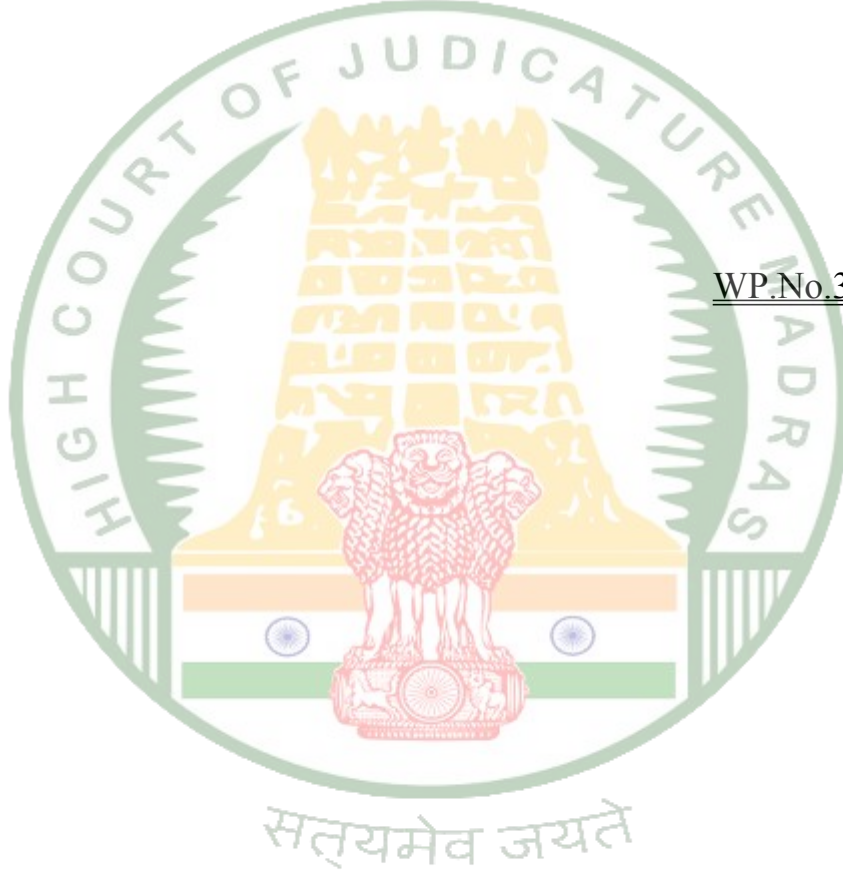
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