



W.A.No.317 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE  
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.317 of 2024

Ramani

Vs.

.. Appellant

1. The Managing Director  
Tamil Nadu Urban Habitat Development Board  
No.5, Kamarajar Salai, Chennai – 600 005.
2. The Executive Engineer  
Zone – 3, Tamil Nadu Urban Habitat Development Board  
T.P.Chatram, Chennai – 600 010.
3. The Estate Officer  
Zone – 3, Tamil Nadu Urban Habitat Development Board  
T.P.Chatram, Chennai – 600 010.
4. The Thirumoolar Colony Narpani Munnetra Sangam  
Rep. by its President, K.Ganesan, S/o Krishnan  
No.13/26, Vivekanandan Street  
Thirumoolar Colony, Anna Nagar West  
Chennai – 600 040.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 08.01.2024 in W.M.P.No.32996 of 2023 in W.M.P.No.21516 of 2023 in W.P.No.22109 of 2023.



W.A.No.317 of 2024

WEB COPY

For the Appellant : Mr.R.Arumugam

For the Respondents : Mr.S.Karthikeyan  
for R1 to R3

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Mr.R.Arumugam, learned counsel for the appellant and Mr.S.Karthikeyan, learned counsel for respondents 1 to 3.

2. The present appeal is filed against the order passed by the learned Single Judge, refusing to grant stay.

3. Learned counsel for the appellant submits that against the order of cancellation of allotment, the appellant filed a Special Leave Petition (SLP) before the Apex Court. The Apex Court dismissed the said SLP. The appellant filed a review of the order passed by the Apex Court, dismissing the SLP. According to learned counsel for the appellant, the appellant is seeking interim order till the review is taken up by the Apex Court.



W.A.No.317 of 2024

WEB COPY

4. The allotment made in favour of the appellant is canceled. The said cancellation is confirmed upto the Apex Court. The Apex Court has dismissed the SLP filed by the appellant under a detailed order dated 24.11.2022. The contention of the appellant is that the appellant has filed a review of the said order, dismissing the SLP. He wants protection till the review is taken up by the Apex Court.

5. If the Apex Court is already seized with the matter, it would not be appropriate for this Court to entertain the present matter. In view of that, it would not be possible to accept the contentions of the appellant. The propriety also would not permit the Court to pass any further orders in view of the fact that the SLP has been dismissed by a detailed order.

6. On humanitarian ground, we direct the appellant to vacate the subject premises within a period of one month, i.e., on or before 29.02.2024. We have granted the time in view of the undertaking



W.A.No.317 of 2024

WEB COPY

given by the appellant. If the appellant fails to vacate the premises within the time stipulated above, then the appellant would make herself liable for contempt for breach of the undertaking.

7. The writ appeal, accordingly, stands dismissed with the aforesaid observations. There shall be no order as to costs. Consequently, C.M.P.No.1955 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)  
31.01.2024

Index : Yes/No  
Neutral Citation : Yes/No

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WEB COPY



W.A.No.317 of 2024

THE HON'BLE CHIEF JUSTICE  
AND  
D.BHARATHA CHAKRAVARTHY, J.

(drm)

W.A.No.317 of 2024

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