

ITEM NO.5

COURT NO.5

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.2833/2007

(Arising out of impugned final judgment and order dated 13/09/2006 in WA No. 1641/2003,13/09/2006 in WA No. 1642/2003,13/09/2006 in WA No. 1643/2003,13/09/2006 in WA No. 1644/2003,13/09/2006 in WA No. 1645/2003,13/09/2006 in WA No. 1646/2003,13/09/2006 in WA No. 1647/2003,13/09/2006 in WA No. 1648/2003,13/09/2006 in WA No. 1649/2003,13/09/2006 in WA No. 1650/2003 passed by the High Court of Madras)

SHAKUNTALA CHOUDHRY & ORS.ETC.

Petitioner(s)

VERSUS

CHAIRMAN AND M.D. T.H.B. & ORS.

Respondent(s)

(With appln. (s) for directions and impleadment and permission to place addl. documents on record and interim relief and office report)

WITH S.L.P. (C) No.3878/2007

(With appln.(s) for adducing additional documents and interim relief and office report)

S.L.P. (C) No.7258/2007

(With appln.(s) for urging additional facts and grounds and interim relief and office report)

Date : 23/04/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE R.K. AGRAWAL
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Ravindra Shrivastava, Sr. Adv.
Mrs. Kanchan Kaur Dhodi, AOR
Mr. Aarohi Bhalla, Adv.

Mr. Sounderajan, Adv.
Mr. Danish Jubair, Adv.
Mr. Sumit Kumar, AOR

For Respondent(s) Mr. L.N. Rao, Sr. Adv.
 Mr. Subramonium Prasad, AAG
 Mr. M. Yogesh Kanna, AOR

 Mr. S. Gomathinayagam,, AAG
 Mr. B. Balaji, AOR

 Mrs. Geetha Kovilan, AOR
 Mr. P.R. Kovilan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Let the matter be listed on 7th May, 2015.

It is submitted by Mr. S. Gomathinayagam, learned Additional Advocate General appearing for the respondent No.2, Housing and Urban Development Department, State of Tamil Nadu, that the construction on the land in question is in progress.

Mr. Ravindra Shrivastava, learned senior counsel appearing for the petitioners would submit that the construction is not on the land of the present petitioners. As there is no stay, if the construction is in progress, the same shall continue, subject to the result of the verification whether the land in question is the same and also subject to the final adjudication of the special leave petitions.

We have passed this order as learned Additional Advocate General appearing for the respondent No.2, would submit that ten storeys have already been constructed. If, eventually, it is found that the construction is on the land of the petitioners and the State and the respondent No.2 eventually do not succeed, this Court will work out the equities at that time. We may hasten to clarify that we have

passed this order as Mr. Ravindra Shrivastava, learned senior counsel appearing for the petitioners is absolutely unequivocal that the construction is not on the land of the petitioners.

Call on the date fixed.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master