

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
RECORD OF PROCEEDINGS

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 relief and office report)

and interim

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

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

grounds and

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)
Signature Not Verified

Mr. Ravindra Shrivastava, Sr. Adv.

Mrs. Kanchan Kaur Dhodi, AOR

Mr. Aarohi Bhalla, Adv.

Digitally signed by
Chetan Kumar
Date: 2015.04.23
17:35:49 IST
Reason:

Mr. Sounderajan, Adv.

Mr. Danish Jubair, Adv.

Mr. Sumit Kumar, AOR

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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 responden
t
of No.2, Housing and Urban Development Department, State
Tamil Nadu, that the construction on the land in question is
in progress.

Mr. Ravindra Shrivastava, learned senior counse
l
the 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 Additiona
l
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

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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