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ITEM NO.2

COURT NO.11 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(s).
10878-10879/2010

(Arising out of impugned final judgment and order dated 11/03/2010
in WA No. 403/2008 11/03/2010 in WA No. 403/2008 11/03/2010 in WA
No. 404/2008 11/03/2010 in WA No. 404/2008 passed by the High Court
Of Madras)

U. VENKATESH

Petitioner(s)

VERSUS

EXECUTIVE OFFICER & ORS.

Respondent(s)

(interim relief and office report)

Date : 23/11/2016 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.K. AGRAWAL

HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. C.A. Sundaram, Sr. Adv.

Mr. Guru Krishna Kumar, Sr. Adv.

Mr. Anand Padmanabhan, Adv.

Mr. P.V. Yogeswaran, Adv.

Mr. V. Balakrishnan, Adv.

Mr. S. Vetrivel, Adv.

Ms. Ananya Mukherjee, Adv.

Mr. Pramod Dayal, Adv.

For Respondent(s) Mr. A.N.S. Nadkarni, ASG

Mrs. Vimla Sinha, Adv.

Mr. S.S. Rebello, Adv.

Mr. N.K. Karhail, Adv.

Mr. M.K. Moraria, Adv.

Mrs. Anil Katiyar, Adv.

Mr. Vikas Singh, Sr. Adv.

Mr. Senthil Jagadeesan, Adv.

Ms. Shruti Iyer, Adv.

Mr. Govind Manoharan, Adv.

UPON hearing the counsel the Court made the following

O R D E R

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After hearing the matter for quite sometime, we deem it fit and proper to direct the petitioner to deposit Rs. 6 crores (Rupees Six Crores only) for use and occupation till date in four equal consecutive monthly installments with the Respondent No. 4 and also to apply for converting the residential use of the lease covered by GLR Sy No. 387/18-A and GLR Sy No. 387/18-B totalling 19,200 sq. feet as commercial area on the current rate. First installment to be deposited on or before 31 st December, 2016.

The applications shall be considered by the respondent No. 4 after the entire amount of Rs. 6 crores (Rupees Six Crores only), in four equal monthly installments have been deposited by the petitioner. There is a dispute regarding the encroachment of some area of GLR Sy No. 387/18 by the petitioner. We, therefore, request the Principal District Judge, Chennai to nominate an additional District Judge of City Civil Court, Chennai to get the measurement done in the presence of authorized representative of both the parties after fixing a date so as to find out as to whether there is any encroachment, and to submit a Report to this Court within a month with a plan drawn on the scale. If there is any encroachment made by the petitioner on the land comprising GLR Sy No. 387/18, then the petitioner shall remove the said encroachment.

We may make it clear that only after the deposit of the entire amount of Rs. 6 crores (Rupees Six Crores only), as directed above, the respondent No. 4 shall decide within one month the application for conversion into commercial use in accordance with law at the current rate as according to the petitioner conversion has been allowed in the adjoining areas.

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Needless to mention that the constructions made in on site of
GLR Sy No. 387/18-A and GLR Sy No. 387/18-B should conform to the
building regulations.

The District Collector shall depute some responsible officers
for measurement.

List this matter in the second week of January, 2017.

Additional documents, if any, may be filed in the meantime.

(SONALI SAUND) (CHANDER BALA)

SR.P.A

COURT MASTER