

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 (Civil)...../2011
CC 10507/2011

(From the judgement and order(s) in dated 13/06/2011 in WP No. 12433/201 of The HIGH COURT OF MADRAS)

M/S KISHINCHAND CHELLARAMS(I) P.LTD. Petitioner(s)

VERSUS

COMMR.OOTACAMUND MUNICIPALITY & ORS. Respondent(s)

(For permission to file SLP without c/copy as well as plain copy of the impugned order and with prayer for interim relief and office report))

Date: 25/08/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE CYRIAC JOSEPH
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.
MS. Vandana Padwal, Adv.
Mr. Santhanam, Adv.
Dr. Kailash Chand, Adv.
Ms. Rohini Musa, Adv.

For Respondent(s) Mr. Amit Pawan, Adv.
Mr. Shishi Pinaki, Adv.
Mr. D.K.Pandey, Adv.

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

Permission to file SLP is granted.
Issue notice to the respondents.

Mr. Amit Pawan, Adv. has entered appearance on caveat for respondent No. 2. He also accepts notice for respondent nos. 3 and 4. Let notice be served on respondent no. 1 also. Dasti in addition, is also permitted.

The dispute relates to notice dated 4.5.2011 issued by the first respondent directing the petitioner to permission for breaking the seal of the building in question get

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and remove the petitioner's articles within 24 hours of receipt of the notice failing which the first respondent will remove the things and demolish the same. It may be noted that in a proceeding for eviction of petitioner-tenant initiated by respondent nos. 2 to 4, the Advocate Commissioner had submitted a report along with the inspection report of the Assistant Engineer stating that the building is unsafe. It is also to be noted that the eviction proceedings have been disposed of by the Rent Controller, Ootacamund directing eviction of the petitioner herein vide order dated 20th July, 2011. It is admitted by the learned counsel for the respondent no. 2 that the Rent Controller has given a period of two months to the tenant to

vacate the premises. The tenant has a statutory right to file appeal against the order of the Rent Controller. Learned counsel for the petitioner submits that the petitioner intends to file appeal against the order of the Rent Controller and seek relief from the Appellate Court. It is also pointed out that the building has been sealed by the Municipality on 25.03.2011 and hence it is not in the use and occupation of anybody. In the absence of an order of stay, the respondent-Municipality may demolish the building and consequently the appeal proposed to be filed by the petitioner against the order of the Rent Controller may become infructuous.

In these circumstances, there will be an interim order directing the petitioner to file appeal, if any, against the order of the Rent Controller within 10 days from today. We also direct the Appellate Court concerned to consider and dispose of the appeal within a period of two months of its filing. Awaiting the decision in the appeal, the demolition of the building shall stand stayed for a period of three months.

Post immediately after three months.
Liberty to mention.

(Shashi Sareen)
Court Master

(Renuka Sadana)
Court Master