

ITEM NO.23

COURT NO.2

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)...CC No(s).2159/2017
(Arising out of impugned final judgment and order dated 23/08/2016
in WP No. 15835/2016 23/08/2016 in WMP No. 17941/2016 passed by the
High Court Of Madras)

M. VELU AND ORS

Petitioner(s)

VERSUS

E. JAYANTHI AND ORS

Respondent(s)

(with appln. (s) for c/delay in filing SLP)

Date : 03/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s)

Mr. R. Anand Padmanabhan, Adv.
Mr. Romil Pathak, Adv.
Ms. Ananya Mukherjee, Adv.
Mr. Shashi Bhushan Kumar, Adv.

For Respondent(s)

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

Delay condoned.

In the course of hearing we have been apprised that the petitioner has filed original application in the High Court of Madras averring that he is the owner and that the first respondent-contractor had no right on the property or construction thereon. The Judge on the original side had already passed the order on construction structure in favour of the plaintiff, the petitioner herein.

On perusal of the order dated 7.08.2016 passed by the Division Bench of the High Court impugned herein in the writ side it appears

that it does not deal with the status of the parties but only states that if there is any construction the same can be removed in accordance with law. In our considered opinion, the same will have no effect in the original application filed by the petitioner.

Needless to say that if the first respondent has approached any authority for regularization of the unauthorized construction, the petitioner may take appropriate steps as advised in law.

With the aforesaid observation, the special leave petition stands disposed of.

(Ashok Raj Singh)
Court Master

(H.S. Parasher)
Court Master