

SUPREME COURT OF INDIA

S.Sridhar

Vs.

State of Tamil Nadu

C.A.No.2854 of 2015

(Anil R.Dave and Amitava Roy JJ.)

13.03.2015

JUDGMENT

ANIL R. DAVE, J.

Leave granted.

Heard the learned counsel for the parties. It has been submitted by the learned counsel appearing for the appellants that the appellants are occupiers of 9 shops which have been constructed on the ground floor, though according to the sanctioned plan, only 5 shops could have been constructed on the ground floor on the land in question.

It has been submitted by the learned counsel for the respondents that instead of 5 shops, in all 19 shops have been constructed on the ground floor and therefore, the construction is not according to the sanctioned plan. It has also been fairly submitted by the learned counsel for the respondent-Corporation that the total construction on the ground floor is lesser than what had been sanctioned earlier.

Be that as it may, the shop owners have already submitted an application for regularisation of their 9 shops on 09.03.2015.

The said application for regularisation shall be considered by the respondent-Corporation within three months from today in accordance with law and if the construction of the shops cannot be regularised as per the bye-laws/regulations of the respondent- Corporation, the said construction shall not be regularised. Till the

final decision is taken on the application for regularisation, the shops in question shall not be demolished.

Rs. 3.5 lakhs have been deposited by the appellants in the Registry of this court in a non-interest bearing account. Out of the said amount, Rs. 3 Lakhs be returned to the appellants and Rs.50,000/- be paid to the respondent-Corporation as costs by an account payee cheque.

In view of the above direction, the appeal stands disposed of as allowed to the above extent.