

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2017

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

And

THE HON'BLE MR.JUSTICE N.SESHASAYEE

W.P.No.7039 of 2017
WMP.No.7670 of 2017

1.Mrs.Lakshmi Ammal

2.Mr.T.Padmanabhan

... Petitioners

vs.

1.The Director,
Town and Country Planning,
No.807, Anna Salai,
Chennai-600 002.

2.The Member/Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai-600 008.

3.The Commissioner,
Chennai City Municipal Corporation (Planning Authority)
Ripon Building,
Chennai-600 003.

4.The Executive Engineer, Zone-8,
Greater Chennai Corporation,
Second Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai-600 030.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents not to take any action pending application under Section 49 in Unique I.D.COC/1918876507 dated 23.02.2017 and to consider the same.

For Petitioners : Mrs.G.Devi

For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader for R1

Mr.V.C.Selvasekaran for R3 and R4
Mr.K.Raja Srinivas for R2

ORDER

(Order of the Court was made by **M.SATHYANARAYANAN, J.**)

After some arguments, the learned counsel appearing for the petitioners, on instructions, seeks the permission of this Court to withdraw the writ petition with liberty to pursue revisional remedy under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 [TCP Act] and she has also made an endorsement to that effect. The learned counsel appearing for the petitioners would further submit that along with the Special Revision, she has also filed a petition for Stay under Section 80-A(iii) of the TCP Act and the Appellate Authority, namely the Secretary to Government, Government of India, Housing and Urban Development Department, may be directed to take up the Stay petition or the Special Revision and give disposal in accordance with law and till such time, her possession as the occupant, may be protected.

2. In the light of the endorsement made by the learned counsel appearing for the petitioners, this Writ Petition is dismissed as withdrawn. The Appellate Authority/Secretary to Government, Housing and Urban Development Department, Chennai, shall take up the Stay Petition and pass orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order and thereafter take up the main Revision and give disposal within a period of three months from the date of receipt of a copy of this order and communicate the decision, taken to the petitioners. The Appellate Authority, till the disposal of the Stay Petition, shall defer further proceedings in respect of the offending construction.

3. This Writ Petition is dismissed as withdrawn subject to above observations. No costs. Consequently, connected miscellaneous petition is dismissed.

[M.S.N., J.] [N.S.S., J.]

17.08.2017

Index : Yes / No

Internet : Yes / No

jvm

Note: Issue order on 22.08.2017

To

<http://www.judis.nic.in>

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Greater Chennai Corporation,
Second Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai-600 030.

Copy to

The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Development,
Fort St.George, Chennai.

सत्यमेव जयते

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M.SATHYANARAYANAN, J.,
and
N.SESHASAYEE, J.



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