

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.08.2017

CORAM

THE HON'BLE Mr.JUSTICE M.SATHYANARAYANAN

AND

THE HON'BLE Mr.JUSTICE N.SESHASAYEE

W.P.No.21428 of 2017

&

W.M.P.No.22393 of 2017

E.R.Eswaran

... Petitioner

Vs.

1.Government of Tamil Nadu,
Rep.by its Secretary,
Housing and Urban Development Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner,
Greater Chennai Corporation,
Chennai - 600 003.

3.The Executive Engineer,
Zone-8,
Greater Chennai Corporation,
2nd Cross Street East,
Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.

4.The Asst.Executive Engineer,
Unit-21,
Greater Chennai Corporation,
Chennai Battai Road,
Chennai - 600 049.

5.The Asst. Engineer,
Division-95, Unit-21, Zone-8,
Greater Chennai Corporation,
I-Block, 5th Street,
Anna Nagar West,
Chennai - 600 040.

... Respondents

PRAYER: Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorari, to call for the entire records of the respondents 3 to 5 herein which culminated in 5th respondent's impugned notice in Na.Ka.No.98/DN95/Z8/2017 dt.03.08.2017 and quash the same as arbitrary, illegal and without jurisdiction.

For Petitioner :Mr.V.P.Sengottuvel

For Respondents :Mr.R.Vijaya Kumar,
Additional Government Pleader.
For R1.

Mr.A.Nagarajan,
For R2 to R5

ORDER

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

Mr.V.P.Sengottuvel, the learned counsel appearing for the petitioner would submit that the petitioner may be permitted to withdraw the writ petition with a liberty to file a Special Revision Petition under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, along with a petition for interim orders under sub section (iii) of the said provision

and also made a further request to direct the First respondent/ Revisional authority to dispose of either the stay petition or the main revision petition itself at an early date and also made an endorsement to that effect.

2.The Court heard the submissions of Mr.R.Vijaya kumar, learned Additional Government Pleader appearing for the first respondent and Mr.A.Nagarajan, learned standing counsel appearing for the Respondents 2 to 5.

3.In the light of the endorsement made, the liberty sought for the by petitioner is granted. The first respondent shall entertain the special revision petition filed by the petitioner, if the papers are otherwise in order, along with the petition for interim orders under section 80 -A(iii) of the Act and the Revisional Authority is at option either to take up the petition for interim orders or the main revision petition itself and dispose of the same on merits and accordance with law as expeditiously possible.

4.The writ petition is dismissed as withdrawn subject to the above observation. No costs. Consequently connected miscellaneous petition is also dismissed.

[MSN,J.,] [NSS,J.,]

16.08.2017

Index:No
Internet:Yes

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Note: (1) Issue order copy on 22.08.2017.

(2) The Registry is directed to return the original impugned order to the learned counsel for the petitioner under due and proper acknowledgement.

To

1. Government of Tamil Nadu,
Rep.by its Secretary,
Housing and Urban Development Department,
Secretariat,
Chennai - 600 009.

2. The Commissioner,
Greater Chennai Corporation,
Chennai - 600 003.

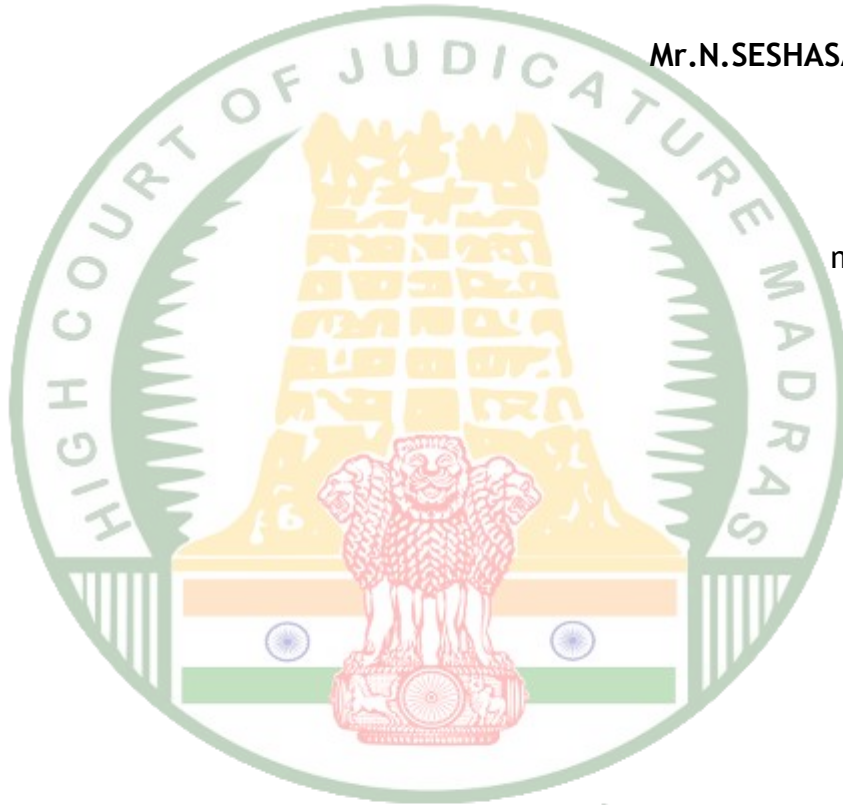
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Mr.M.SATHYANARAYANAN,J.,
and
Mr.N.SESHASAYEE,J.,

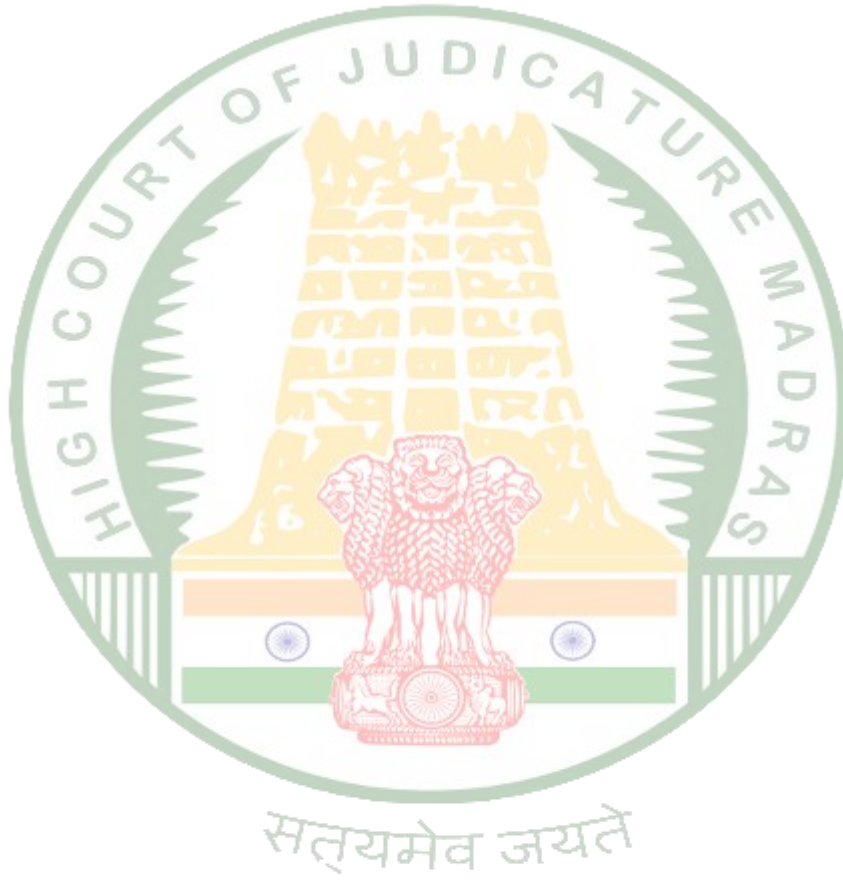
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