

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.23856/2017 and WMP.No.25088 of 2017

M/s.Shree Jain Sangh Trust
Rep. by its Secretary,
Plot No.40, No.1/2, High Court Colony Main Street,
Villivakkam, Chennai 600 049

.. Petitioner

Vs

1. The District Collector,
Collectorate - Chennai District,
M.Singaravelar Maaligai,
62, Rajaji Salai, Chennai 600 001.
2. Corporation of Chennai,
Rep. by Commissioner,
Ripon Building,
EVR Periyar Salai,
Chennai 600 003.
3. Corporation of Chennai,
Regional Office - Central,
2nd Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai 600 030.
4. The Regional Deputy Commissioner (Central),
Corporation of Chennai,
Division No.95, Unit No.21, Zone : VIII,
Pulla Avenue, Shenoy Nagar,
Chennai 600 030
5. The Executive Engineer,
Corporation of Chennai,
Division No.95, Unit No.21, Zone : VIII,
Pulla Avenue, Shenoy Nagar,
Chennai 600 030

6. The Secretary,
Housing and Urban Development Department,
Secretariat, Fort. St. George,
Chennai 600 009.

7. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore,
Chennai 600 008

(R6 & R7 impleaded as per Order dated 07.09.2017 & made in WMP
25469/17 in W.P.23856/17) .. Respondents

Prayer:- Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of
Certiorari to call for the records culminating for issue of the
impugned notices dated 13.03.2017 issued in Notice No.Zone-
VIII/TPENF/549/2017 and notice No.REGIONCENTRAL/TPENF/NIL/2017
dated 17.04.2017 issued by 3rd to 5th respondents and quash the
same as not maintainable in law.

For Petitioner : Mr.P.Wilson, Senior Counsel
Assisted by J.Umaid Gothi

For R1 & R6 : Mr.P.Sanjay Gandhi,
Additional Government Pleader,

For R2 to R5 : Mr.K.Soundararajan,
For R7 : Mr.N.Sampath, Standing Counsel
For Intervenor : Mr.T.Mohan

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

After some arguments, the learned counsel for the
petitioner, on instructions, seeks the permission of this Court
to withdraw this writ petition, with a liberty to approach the
Revisional Authority under Section 80A of the Tamil Nadu Town
and Country Planning Act, 1971 and would further submit that he
also filed a petition for stay under Section 80A(iii) of the
said Act.

2 Per contra, Mr.T.Mohan the learned counsel appearing
for the intervenor would submit that the petitioner has
committed utter violation of the sanctioned plan and had put up
the offending construction.

3 Heard the submissions of the learned counsel for the
petitioner and Mr.P.Sanjay Gandhi, Additional Government Pleader
appearing on behalf of respondent 1 and 6; Mr.K.Soundararajan,

learned standing counsel appearing for Respondents 2 to 5 and Mr.N.Sampath, learned senior counsel appearing for 7th respondent.

4 In the light of the endorsement made by the learned counsel appearing for the petitioner, this writ petition is dismissed as withdrawn and the liberty sought for by the petitioner is granted to file a Special Revision Petition under Section 80A along with petition for stay under section 80-A [iii] of the Tamil Nadu Town and Country Planning Act, 1971, within a period of two weeks from the date of receipt of copy of this order and till such time, further proceedings in pursuant to the impugned notice dated 17.04.2017 shall be deferred with and upon receipt of the same, the Revisional Authority, viz., the Secretary to Government, State of Tamil Nadu, Housing and Urban Development, Department, Secretariat, Chennai-9, shall entertain the Special Revision Petition along with the petition for stay, if the papers are otherwise in order and after putting the intervenor, Mr.S.Srinivasan, on notice, the said official is at option either to take up the petition for stay or the main revision itself and give a disposal of the same in accordance with law as expeditiously as possible. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

rka

To

1. The District Collector,
Collectorate - Chennai District,
M.Singaravelar Maaligai, 62, Rajaji Salai, Chennai 600 001.
2. The Commissioner,
Corporation of Chennai,
Ripon Building, EVR Periyar Salai,
Chennai 600 003.

3. Corporation of Chennai,
Regional Office - Central,
2nd Cross Street (East), Pulla Avenue, Shenoy Nagar,
Chennai 600 030.
4. The Regional Deputy Commissioner (Central),
Corporation of Chennai,
Division No.95, Unit No.21, Zone : VIII,
Pulla Avenue, Shenoy Nagar,
Chennai 600 030
5. The Executive Engineer,
Corporation of Chennai,
Division No.95, Unit No.21, Zone : VIII,
Pulla Avenue, Shenoy Nagar,
Chennai 600 030
6. The Secretary,
Housing and Urban Development Department,
Secretariat, Fort. St. George,
Chennai 600 009.
7. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore,
Chennai 600 008.

+1cc to Mr.T.Mohan, Advocate Sr. 67121
+1cc to the Government Pleader Sr. 66245
+1cc to Mr.V.S.R.Hanu Babu Koka, Advocate Sr. 66109
+1cc to Mr.N.Sampath, Advocate Sr. 65808
+1cc to Mr. K.Soundararajan, Advocate Sr. 65801

सत्यमेव जयते

W.P.No.23856 of 2017
WMP.No.25088 of 2017

SV(CO)
VR(18/09/2017)

WEB COPY