

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.SUNDAR

W.P.Nos.22556 & 22557 of 2015
and
M.P.Nos.1 & 2 of 2015 [4 Nos.]

M/s.Sri Muthukumaran Educational Trust,
Rep. by its Trustee R.Gomathi ... Petitioner in both WPs

-Vs-

1. Government of Tamilnadu,
rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-9.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-8. ... Respondents in both WPs

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records of the first respondent in their Letter No.12723/UD I/2015-1 and 12722/UD I/2015-1 dated 06.07.2015, received on 09.07.2015, relating to rejection of petitioner's appeal U/Sec.80A of the Tamilnadu Town and Country Planning Act, 1971 pertaining to the premises situated at Survey Nos.48/3 and 77/1,67/3A-2 and 67/3A2A at Chikkarayapuram Village near Mangadu and to quash the same and forbear the second respondent from in any way interfering with the petitioner's premises, particularly by way of locking and sealing or demolition of the existing structure.

For Petitioner : Ms.S.Vaideeswari
for M/s.S.Sundaresan

For Respondents : Mr.T.N.Rajagopalan
Special Government Pleader
for R1
: Mr.C.Johnson for R2

COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

It is agreed that the writ petitions may be disposed of in terms of the judgment of the Division Bench of this Court in Lalith Kumar C.Soni v. Government of Tamilnadu, rep. by the Secretary to Government, Housing and Urban Development Department, Fort St. George, Chennai-9 and another, 2015 (6) CTC 107, holding that remedy of special revision would be maintainable under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

2. The appeals will be re-submitted within a period of three weeks from today and an endeavour be made to dispose of the same within a period of three months thereafter.

3. The writ petitions, accordingly, stand disposed of. No costs. Consequently, M.P.Nos.1 and 2 of 2015 are closed.

4. The interim order of protection made available shall continue to enure for the benefit of the petitioners till the disposal of the appeals.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-9.

2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-8.

+1cc to Mr.S.Sundaresan, Advocate, S.R.No.3702

+2cc's to Mr.G.Johnson, Advocate, S.R.Nos.3289 & 2393

W.P.Nos.22556 & 22557 of 2015

RJ(CO)

CA(30/01/2017)