

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2017

CORAM :

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

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.Nos.22558 & 22559 of 2015

and

M.P.Nos.1 & 2 of 2015

M/s.Meenakshi Ammal Trust,
Meenakshi Academy of Higher Education and Research,
New No.61, Old No.641, Ramasami Salai,
K.K.Nagar, Chennai-600 078,
rep. by its Trustee AV Radhakrishnan

... Petitioner in W.P.22558/2015

M/s.Meenakshi Ammal Trust,
Meenakshi College of Nursing,
New No.61, Old No.641, Ramasami Salai,
K.K.Nagar, Chennai-600 078,
rep. by its Trustee AV Radhakrishnan

... Petitioner in W.P.22559/2015

-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 W.Ps

Writ Petition No.22558 of 2015 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.12762/UD I/2015-I 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 No.237/2B and 253 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.

Writ Petition No.22559 of 2015 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.12720/UD I/2015-I 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 No.76 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.Vaitheswari
for M/s.S.Sundaresan

For Respondent : Mr.T.N.Rajagopalan
Special Government Pleader
for R1 & 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(CO)

//True Copy//

Sub Assistant Registrar

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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.

+2cc's to Mr.S.Sundaresan, Advocate, S.R.Nos.2344 & 2345
+1cc to the Government Pleader, S.R.No.2471

W.P.Nos.22558 & 22559 of 2015

PA(CO)
CA(20/01/2017)



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