

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.07.2017

CORAM:

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

W.P.No.18110 of 2017
and
WMP.Nos.19653 and 19654 of 2017

T.Rajaram ...Petitioner

..Vs..

1. The Chairman
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai-600 005.
2. The Estate Officer,
Estate Office-3,
Tamilnadu Slum Clearance Board,
Thirumangalam,
Chennai-600 040.
3. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Park Town,
Chennai-600 003.
4. The Executive Engineer,
Zone-VIII,
Greater Chennai Corporation Zonal Office-VIII,
2nd Cross Street, (East),
Pulla Avenue,
Shenoy Nagar,
Chennai-600 030.
5. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu-Natarajan Maligai,
Gandhi-Irwin Road,
Egmore, Chennai-600 008.
6. Tmt. Lavanya .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned orders passed by the 4th respondent herein vide his proceedings No.NOTICE NO:ZONE-8/TPENF/982/2016 dated Nil. 06.2017 and by the 2nd respondent vide his proceeding No.Na.Ka.No.805/A/2014/Ea.A.3 dated 27.06.2017 and quash them as illegal, arbitrary, unreasonable being violative of rules and principles of natural justice and thereby direct the respondents 1 to 4 to regularise the aunthorized construction constructed in Plot No.140, Door No.15A, Thirumoolar Colony, Amman Koil Street, Anna Nagar (West), Chennai-600 040.

For Petitioner : Mr.A.R.Suresh
For Respondents : Mr.S.Prabhu (R1 and R2)
Mr.A.Nagarajan (R3 and R4)
Mr.N.Sampath (R5)

ORDER

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

After advancing arguments for some time, the learned counsel appearing for the petitioner, on instructions seeks permission of this Court to withdraw this Writ Petition with liberty to challenge the notice dated Nil.06.2017 issued by the fourth respondent, by way of revision, before the Government under Section 80-A of the Tamil Nadu Town and Country Planning Act,1971 and also to file appeal, before the Chairman, Tamilnadu Slum Clearance Board, against the notice dated 27.06.2017 issued by the second respondent. He had also made an endorsement to that effect. He would further submit that till the filing of the revision and appeal before the concerned authorities, his possession in respect of the residential premises may be protected.

2. This Court heard the submissions of Mr.S.Prabhu, learned standing counsel who accepts notice for the respondents 1 and 2, Mr.A.Nagarajan, learned counsel who accepts notice for the respondents 3 and 4 and Mr.N.Sampath, learned counsel who accepts notice for the fifth respondent .

3. In the light of the endorsement made by the learned counsel for the petitioner, this Writ Petition is dismissed as withdrawn. The petitioner is at liberty to file a revision before the Government under Section 80 -A of the Tamil Nadu Town and Country Planning Act, 1971 and appeal before the first respondent, within a period of two weeks from the date of receipt of a copy of this order. Till the filing of the revision and appeal, the respondents 2 and 4 shall defer further decision in terms of notices dated Nil.06.2017 and 27.06.2017, issued by the fourth and the second respondents respectively. The Secretary to Government, as well as the first respondent shall entertain the appeal and Revision filed

by the petitioner, if the papers are otherwise in order after putting up the sixth respondent on notice and shall consider the revision and appeal, on merits and pass orders in accordance with law, within a period of ten weeks thereafter and communicate the decision taken to the petitioner as well as to the sixth respondent. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

1. The Chairman
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai-600 005.
2. The Estate Officer,
Estate Office-3,
Tamilnadu Slum Clearance Board,
Thirumangalam,
Chennai-600 040.
3. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Park Town,
Chennai-600 003.
4. The Executive Engineer,
Zone-VIII,
Greater Chennai Corporation Zonal Office-VIII,
2nd Cross Street, (East),
Pulla Avenue,
Shenoy Nagar,
Chennai-600 030.
5. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu-Natarajan Maligai,
Gandhi-Irwin Road,
Egmore, Chennai-600 008.

6.The Secretary to Govt.,
Housing and Urban Development Department,
Secretariat, Chennai.

+1 cc to Mr.A.R.Suresh,advocate,sr.50558.

+1 cc to Mr.N.Sampath,advocate,sr.50394

+1 cc to Mr.S.Prabhu,advocate,sr.50935

+1 cc to Mr.Nagarajan,advocate,sr.51199.

Krd 29/7

WP.No.18110/2017



WEB COPY