

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.3549 and 5581 of 2019

MEC International Private Ltd.
Rep. by its Assistant Manager- Accounts
Old No.37, New No.6
Arcot Road, Vadapalani
Chennai - 600 025. ... Petitioner
in both WPs.

Vs

- 1 Greater Chennai Corporation
rep. by its Assistant Executive Engineer
Unit 29 Zonal Office-10
Kodambakkam, Chennai - 600 024.
- 2 Greater Chennai Corporation
Rep. by its Executive Engineer
Zone- 10, No.117 NSK Salai
Kodambakkam, Chennai - 600 024.
- 3 The Secretary
Housing and Urban Development Department
Government of Tamil Nadu
Secretariat, Chennai - 600 009.
- 4 The Member secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai - 600 008. .. Respondents
in both WPs.

PRAYER in W.P.No.3549 of 2019: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the 2nd respondent Corporation to forbear from executing impugned notice issued in ZOXC. No./00049/2016, dated 25.1.2019 in respect of entire buildings and superstructures located on schedule lands described in Schedules- A and B to the affidavit filed in support of the writ petition situated at Old No.37, New

No.6, Arcot Road, Vadapalani, Chennai - 600 026 pending disposal of the petitioner's review petition by 3rd respondent, Secretary to Government of Tamilnadu, Housing and Urban Development Department filed on 12.11.2018.

PRAYER in W.P.No.5581 of 2019: Petition under Article 226 of the Constitution of India for issuance of a writ of certiorari to call for the records relating to the proceedings of 3rd respondent impugned order passed in Letter No.2748/UD-VI(1)/2017-5 Dated 05.10.2018 in respect of entire buildings and superstructures located on schedule lands described in Schedules-A and B to the affidavit filed in support of the writ petition situated at Old No.37, New No.06, Arcot Road, Vadapalani, Chennai - 600 026 and quash the same.

For Petitioner : Mr.A.L.Somayaji
Senior Counsel
for M/s.K.V.Bhashyam Chari

For Respondents : Mr.V.C.Selvasekaran
for respondents 1 and 2

Mr.V.Jayaprakash Narayanan
Government Pleader (i/c.)
for 3rd respondent

Mr.S.Thiruvengadam
for 4th respondent

COMMON ORDER

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

In W.P.No.3549 of 2019, the petitioner is seeking issuance of a writ of mandamus directing the second respondent/Corporation to forbear from executing impugned notice dated 25.1.2019 in respect of entire building and superstructure located on schedule lands described in Schedules- A and B to the affidavit filed in support of the writ petition situated at Old No.37, New No.6, Arcot Road, Vadapalani, Chennai - 600 026 pending disposal of the petitioner's review petition filed on 12.11.2018 by third respondent.

2. In W.P.No.5581 of 2019, the petitioner is seeking issuance of a writ of certiorari to call for the records relating to the proceedings of third respondent dated 05.10.2018 in respect of entire building and superstructure located on

schedule lands described in Schedules-A and B to the affidavit filed in support of the writ petition situated at Old No.37, New No.06, Arcot Road, Vadapalani, Chennai - 600 026 and quash the same.

3. Mr.A.L.Somayaji, learned Senior Counsel appearing for the petitioner submitted that the authority concerned has passed an order in the review application without giving opportunity of hearing to the petitioner. Further, the learned Senior Counsel submitted that now the third respondent has issued a fresh notice in review application and also heard the petitioner.

4. Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c.) submitted that the third respondent had already issued a notice to the petitioner and also heard the submissions made on behalf of the petitioner on 7.3.2019. He further submitted that the third respondent would pass a detailed order based on the submissions made on behalf of the petitioner without making reference to the earlier order.

In view of the above submission made by the learned Government Pleader (i/c.), nothing further survives for adjudication in these writ petitions. It is open to the third respondent to pass orders in accordance with law, without making reference to the earlier order. These writ petitions are closed. No costs. Consequently, W.M.P.Nos.3870 and 6353 of 2019 are closed.

Sd/-
Assistant Registrar

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

sasi

To:

- 1 The Assistant Executive Engineer
Greater Chennai Corporation
Unit 29 Zonal Office-10
Kodambakkam, Chennai - 600 024.

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- 2 The Executive Engineer
Greater Chennai Corporation
Zone- 10, No.117 NSK Salai
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- 4 The Member secretary
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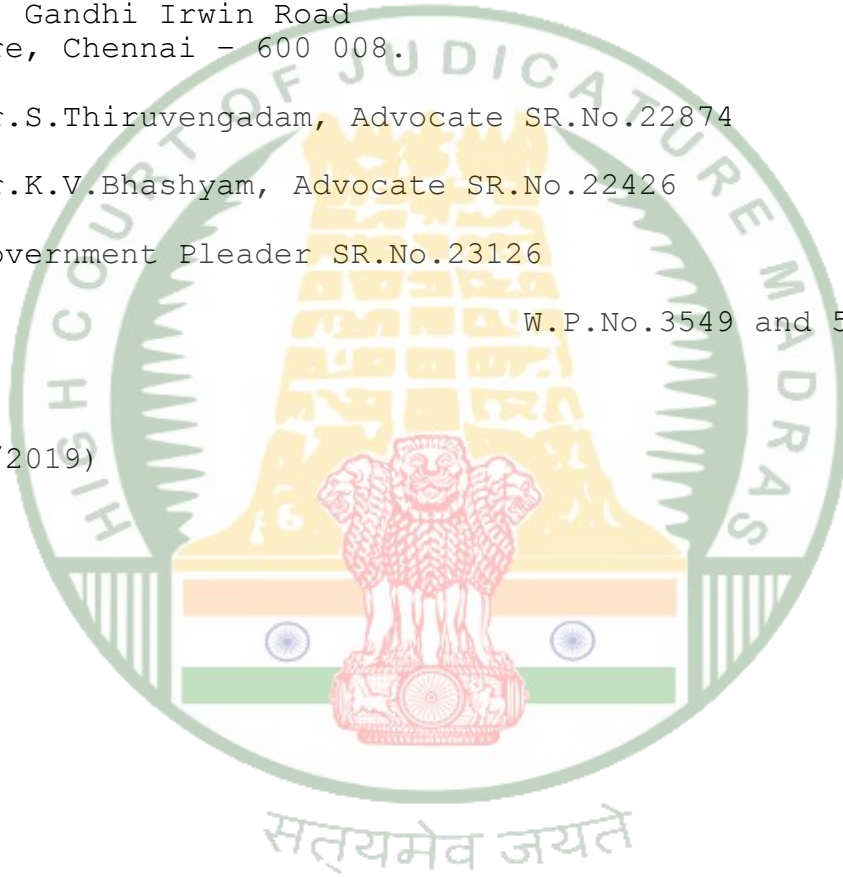
+1cc to Mr.S.Thiruvengadam, Advocate SR.No.22874

+2cc to Mr.K.V.Bhashyam, Advocate SR.No.22426

+1cc to Government Pleader SR.No.23126

W.P.No.3549 and 5581 of 2019

SSV(CO)
GMY(02/04/2019)



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