

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.05.2019

CORAM :

THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN
and
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 14697 of 2019
and
W.M.P. No. 14690 of 2019

B. Mamitha ... Petitioner

-vs-

1. The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat,
Chennai - 600 009.
2. The Assistant Executive Engineer,
Ambattur Zone 7,
Greater Chennai Corporation,
Ambattur,
Chennai - 600 053.
3. The Commissioner,
Greater Chennai Corporation,
Chennai - 600 003.

4. Mahalakshmi @ Latha ... Respondents
5.

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India, to issue a Writ of Mandamus directing the
First to Third Respondents to stop the proceedings pertaining to
Notice No. Z-IX/TPENF/DN-
117/555/2017 dated 13.05.2019.

For Petitioner : Ms. S. Sridevi

For Respondents: Mr. S.R. Rajagopal,
Additional Advocate General
assisted by

Mr. V. Jayaprakash Narayan,
Special Government Pleader (for R1)

Mr. V.C. Selvasekaran (for R2 & R3)

O R D E R

(Order of the Court was delivered by RMT. TEEKA RAMAN, J.)

The Petitioner unsuccessfully challenged the order No. 23999/ UD-7(1)/2018-3 dated 16.04.2019 passed by the Additional Secretary, Housing and Urban Development Department, Government of Tamil Nadu, as the Appellate Authority under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, in W.P. No. 14211 of 2019, which was dismissed by this Court during the Vacation Sitting on 09.05.2019, with directions to the Corporation of Chennai to continue demolition of the illegal structure before the end of June 2019 and the electricity supply and water supply shall be disconnected within a week from the date of receipt of copy of that order. In pursuance of the direction issued by the First Respondent in the aforesaid order No. 23999/UD-7(1)/2018-3 dated 16.04.2019 directing the Greater Chennai Corporation to continue with the notice No. ZONE/TPENF/555/2018 dated 09.10.2018, the authorities of the Greater Chennai Corporation issued deoccupation notice No. Z-IX/ TPENF/DN-117/555/2017 dated 13.05.2019 under Sections 56, 57 and 85 of the Tamil Nadu Town and Country Planning Act, 1971, to the Petitioner. In that backdrop, the Petitioner has filed this Writ Petition to issue a direction to the First to Third Respondents to stop the proceedings pertaining to aforesaid notice No. Z-IX/TPENF/DN-117/555/2017 dated 13.05.2019 issued by the concerned authorities of the Greater Chennai Corporation. When it was pointed out that the notice No. Z-IX/TPENF/ DN-117/555/2017 dated 13.05.2019 is only consequential proceedings in compliance of the earlier orders passed by the Additional Secretary to the Government of Tamil Nadu, Housing and Urban Development Department in the order No. 23999/UD-7 (1)/2018-3 dated 16.04.2019 and the order dated 09.05.2019 in W.P. No. 14211 of 2019 passed by this Court, which cannot be entertained by this Court, the Learned Counsel appearing for the Petitioner on instructions, seeks permission of this Court to withdraw this Writ Petition and has also made an endorsement in the petition to that effect.

2. In view of the aforesaid submissions and endorsement made by the Learned Counsel for the Petitioner, this Writ Petition is dismissed as withdrawn. However, as sought by the Learned Counsel for the Petitioner, it is made clear that the same would not preclude the rights of the Petitioner to seek to set aside

the order dated 09.05.2019 in W.P. No. 14211 of 2019, in legal proceedings in accordance with law or to seek extension of time to carry out the directions contained in that order through an appropriate application in that Writ Petition. Consequently, the connected Miscellaneous Petition is closed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat,
Chennai - 600 009.
2. The Assistant Executive Engineer,
Ambattur Zone 7,
Greater Chennai Corporation,
Ambattur,
Chennai - 600 053.
3. The Commissioner,
Greater Chennai Corporation,
Chennai - 600 003

W.P. No. 14697 of 2019

RJI (CO)
SP(30/05/2019)

सत्यमेव जयते

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