

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.07.2019

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE R. MAHADEVAN

WMP.No.6988 of 2017
in Rev.Applw.Sr.No.22830 of 2017

Augustine

.. Petitioner

Vs.

1. R. Chittibabu(since died)
2. The Member Secretary,
Chennai Metropolitan Development,
Authority, No.1, Gandhi Irwin Road,
Egmore, Chennai.
3. Assistant Commissioner,
Zone -12, Chennai Corporation,
Alandur, Chennai - 600 016.

.. Respondents

Prayer :- Petition filed under Section 5 of the Limitation Act seeking to condone the delay of 64 days in filing the review application.

Review Appl.SR.No.22830 of 2017 filed to review the order dated 19.10.2016 passed in WP.No.6605 of 2014.

Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus to direct the Respondents 1 & 2 to consider the representation dated 12.02.2014 consequently direct the Respondents 1& 2 to take necessary action to remove unauthorised construction in Survey No.47/1 and Survey No.67/B Part and New Survey No.5/4 situate in ward No.B Block No.9 at Adambakkam Village, Alandur Taluk, Chennai by the 3rd Respondent.

For Applicant : Mr.U. Venkatesan

ORDER

[Order of the Court was delivered by T.S.Sivagnanam, J.]

This petition has been filed to condone the delay of 64 days in filing the review application.

2. Considering the fact that writ petition was disposed on 19.10.2016 and the review application was filed belatedly, we consider the grounds raised in the review application.

3. The petitioner's case is that the writ petitioner R.Chittibabu was died on 23.05.2015 and the writ petition could not have proceeded and it should have been rejected as abated. It is seen, from the order passed in W.P.No.6605 of 2014, that none appeared for the petitioner. Nevertheless, the Court could not passed any positive direction but disposed of the writ petition with an observation that if it is an unauthorized construction, the same shall be looked into by inspecting the site and if it is found to be correct an action in accordance with law be taken, after notice to all concerned.

4. Therefore, mere death of the writ petitioner will not be a ground to review the order passed in the writ petition. No person can claim a right that he will be entitled to put up unauthorized construction without obtaining appropriate planning approval.

5. For the above reasons, we find that the petitioner has not made out any ground to review the order. Consequently, the miscellaneous petition is dismissed and the review application is rejected at the S.R. stage. No costs.

mp/ska

Sd/-
Assistant Registrar(C.O)

//True Copy//

Sub Assistant Registrar

To

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

2. The Assistant Commissioner,
Zone -12, Chennai Corporation,
Alandur, Chennai - 600 016.

+1cc to Mr.U.Venkatesan, Advocate, SR.No.64803

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Kak(20/09/2019)