

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No. 12023 of 2020
& W.M.P.No. 14760 of 2020

Ramkumar

.. Petitioner

vs

- 1.The Secretary to Government
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600009.
- 2.The Commissioner
Corporation of Chennai, Ripon Buildings,
Chennai - 600003.
- 3.The Executive Engineer
Zone VII, Corporation of Chennai,
No.536, Chennai Tiruvallur Highway Road,
Ambattur, Chennai - 600053.
- 4.The Assistant Executive Engineer,
Zone VII, Corporation of Chennai,
No.536, Chennai Tiruvallur Highway Road,
Ambattur, Chennai - 600053.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a writ of mandamus
directing the 1st respondent to consider the petitioner's
restoration application dated 23.03.2020.

For Petitioner .. Mr.T.Velumani

For Respondents .. Mr.G.Rajesh,
Government Advocate for R1
Mr.K.Raja Shrinivas
for R2 to R4

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ORDER

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

The petitioner has come forward to file this writ petition seeking a direction to the first respondent to consider the petitioner's restoration application dated 23.03.2020.

2.Learned counsel appearing for the petitioner submitted that that the order passed by the respondent/Government is without giving sufficient opportunity to the petitioner.

3. Learned counsel appearing for the respondents/Corporation submitted that the petitioner was given sufficient opportunities. It is further submitted that the building in question has been put up without any approved plan.

4. We are not inclined to entertain this writ petition for more than one reason. A perusal of the order passed by the Government would show that it is a speaking order. The petitioner has been given sufficient opportunities. The question as to whether the petitioner has to be given sufficient opportunity or not can only be decided when the petitioner lays challenge to the order passed against him. In the absence of any provision under the statute permitting him for restoration, the order passed on merit cannot be reviewed particularly when the objector has also been heard and who is also not before us.

5. Thus, looking from any perspective, we are not inclined to entertain this writ petition. However, liberty is given to the petitioner to challenge the order passed by the Government, if so advised, after impleading the objector.

6. In view of the above, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mmi/ssm
To

1.The Secretary to Government
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600009.

2.The Commissioner
Corporation of Chennai, Ripon Buildings,
Chennai - 600003.

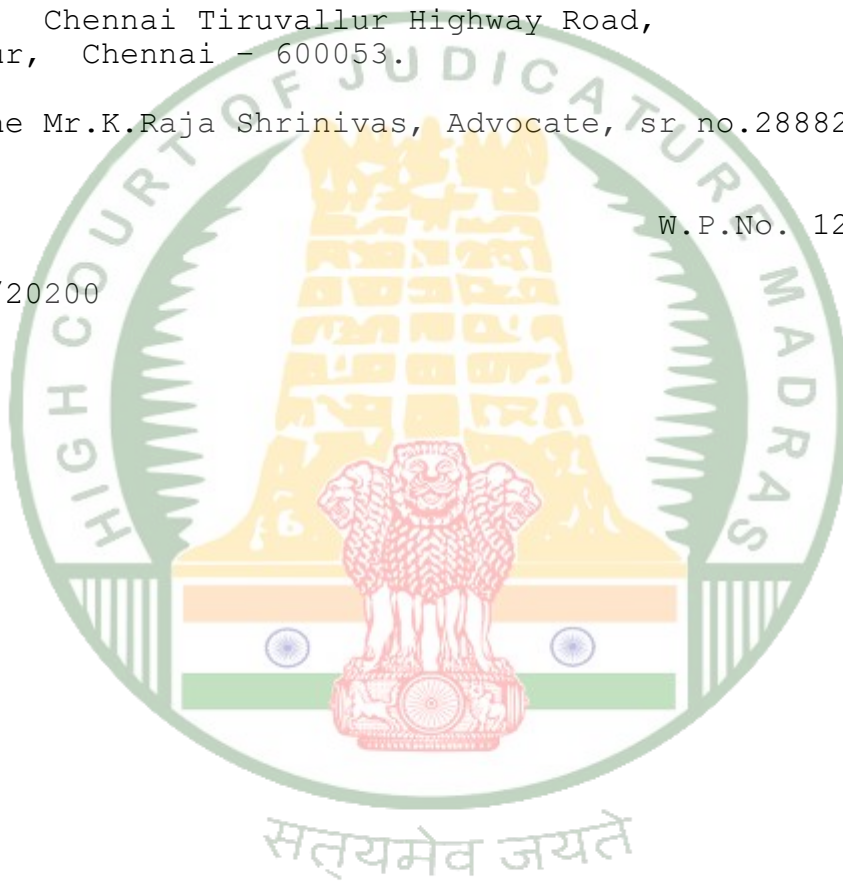
3.The Executive Engineer
Zone VII, Corporation of Chennai,
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Ambattur, Chennai - 600053.

4.The Assistant Executive Engineer,
Zone VII, Corporation of Chennai,
No.536, Chennai Tiruvallur Highway Road,
Ambattur, Chennai - 600053.

+1cc to The Mr.K.Raja Shrinivas, Advocate, sr.no.28882

W.P.No. 12023 of 2020

SSV(CO)
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