



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.NO.21593 OF 2021

AND

WMP.NO.22792 OF 2021

Arun Kumar Jain

.. Petitioner

Versus

1.Government of Tamil Nadu,
Rep. by its Principal Secretary,
Housing and Urban Development Department,
Secretariat, Chennai 600 005.

2.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai 600 003.

3.The Assistant Engineer,
Corporation of Chennai,
Zone VIII, No.36B/12B,
2nd Cross Street, Pulla Avenue,
Shenoy Nagar, Chennai 600 030.

.. Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the first respondent to pass order on the appeal filed by the petitioner dated 27.07.2021 under Section 80-A of Tamil Nadu Town and Country Planning Act, 1971, and also directing the 2nd respondent to pass orders on the retention application dated 27.07.2021 and the application for the revised planning permission & building permission dated 24.09.2021 in a time-bound manner and consequently forbear the respondents from taking any coercive action, pending dispose of the above mentioned petitioner's applications/revision/appeal pending before the respondents.



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For petitioner : Mr.Srinath Sridevan
for Aravind Raj

For respondents
for R1 : Mrs.Akila Rajendran

for R2 & R3 : Mr.K.Raja Shrinivas

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

The Writ Petition is heard through video conferencing.

2. The petitioner has come up with this Writ Petition for issuance of a Writ of Mandamus, directing the first respondent to pass order on the appeal filed by the petitioner dated 27.07.2021 under Section 80-A of Tamil Nadu Town and Country Planning Act, 1971.

3. It is the contention of the petitioner that he along with his brother one Suresh Kumar Bardia, became the absolute owner of the land measuring an extent of 557 square meters in Mandapam Road, Kilpauk, Chennai through a registered sale deed, dated 28.03.2013. After obtaining planning permission, he constructed, ground floor + first floor + second floor. Due to some minor deviations, the third respondent issued lock and seal notice and thereafter, issued de-occupation notice dated 11.01.2021. Aggrieved over the same, the petitioner preferred an appeal before the first respondent.

4. Mr.Srinath Sridevan, learned counsel appearing for Mr.Aravind Raj, learned counsel for the petitioner would state that it would suffice to direct the first respondent to dispose of the appeal/special revision preferred by the petitioner dated 27.07.2021.

5. Mrs.Akila Rajendran, learned Government Advocate appearing for the first respondent would state that the first respondent is ready to consider the appeal preferred by the petitioner in accordance with law.

6. In the light of the submissions made by the learned counsels appearing on either side, this Court, without going into the merits of the matter, directs the first respondent to dispose of the appeal/special revision dated 27.07.2021 filed by the petitioner purely on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order, after affording ample opportunity to the necessary parties. Till then, the respondents are directed to



maintain status quo as on date. No costs. Consequently,
connected miscellaneous petition is closed.

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Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

pvs

To

- 1.The Principal Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai 600 005.
- 2.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai 600 003.
- 3.The Assistant Engineer,
Corporation of Chennai,
Zone VIII, No.36B/12B,
2nd Cross Street, Pulla Avenue,
Shenoy Nagar, Chennai 600 030.

+lcc to Mr.K.Raja Shrinivas, Advocate, S.R.No.53405
+lcc to Mr.Aravind Raj, Advocate, S.R.No.53069

W.P.No.21593 of 2021

SPD (CO)
CS/26/10/2021