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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 22.10.2021

CORAM:

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

W.P. No.22606 of 2021

1. S.Kamleshkumar Jain
2. S.Kundanmal Jain

.. Petitioners

Versus

- 1.The Secretary to Government,
Housing and Urban Development,
Secretariat,
Rajaji Salai,
Chennai 600 009.
- 2.The Commissioner,
Chennai Corporation,
Rippon Building,
EVR Periyar Salai,
Park Town, Chennai 3.
- 3.The Executive Engineer,
Zone-IV,
Corporation of Chennai,
266, Thiruvottiyur High Road,
Korukkupet,
Old Washermanpet,
Chennai 600 0021.
- 4.The Assistant Executive Engineer,
Zone-IV,
Corporation of Chennai,
266, Thiruvottiyur High Road,
Korukkupet, Old Washermanpet,
Chennai 600 021.
- 5.The Assistant Engineer,
Division No.IV, Zone-IV,
Corporation of Chennai,
266, Thiruvottiyur High Road,
Korukkupet, Old Washermanpet,
Chennai 600 021.

.. Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the 1st respondent to consider and dispose of the petitioner's appeal dated 20.07.2021 within the stipulated time by this Court.

For petitioners : Mr.A.Ilaya Perumal

For respondents
for R1 : Mrs.Akila Rajendran,
Government Advocate

for RR2 to 5 : 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. This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to consider and dispose of the petitioners' appeal/special revision dated 20.07.2021 within a stipulated time.

3. The petitioners would state that they are the absolute owner of the property bearing Door No.42, Old No.44, Thiyaappa Chetty Street, Korukkupet, Chennai, by virtue of a sale deed, dated 11.05.2018. They have constructed a building according to the approved plan issued by the Greater Corporation of Chennai and the building was also assessed to property tax.

4. The learned counsel appearing for the petitioners Mr.A.Ilaya Perumal would urge that the fifth respondent issued a lock and seal notice dated 26.04.2021 to the petitioners. Aggrieved over the same, the petitioners preferred special revision before the first respondent on 20.07.2021 and it was received and acknowledged on 28.07.2021. Though the special revision is pending, the respondents 3 to 5 threatened to seal the premises.

5. It is the submission of the learned counsel for the petitioner that it would suffice if a direction is issued to the first respondent to dispose of the special revision preferred by the petitioner in a time frame.

6. The learned Senior Standing Counsel appearing for the respondents 2 to 5 Mr.K.Raja Shrinivas would state that there is no illegality in the order passed by the respondents.



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7. The learned counsel appearing for the first respondent Mrs. Akila Rajendran, submitted that the first respondent is ready to pass orders on the special revision of the petitioner in accordance with law.

8. In the light of the limited scope of the prayer sought for in the Writ Petition and the submissions of the learned counsels appearing on either side, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to pass orders on the special revision preferred by the petitioner dated 20.07.2021 within a period of six months, after affording ample opportunity to the petitioners. Till then, the respondents are directed to maintain status quo as on date.

9. With the above directions, the Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

pvs
To

1. The Secretary to Government,
Housing and Urban Development,
Secretariat,
Rajaji Salai,
Chennai 600 009.

2. The Commissioner,
Chennai Corporation,
Rippon Building,
EVR Periyar Salai,
Park Town, Chennai 3.

3. The Executive Engineer,
Zone-IV,
Corporation of Chennai,
266, Thiruvottiyur High Road,
Korukkupet,
Old Washermanpet,
Chennai 600 0021.



4.The Assistant Executive Engineer,
Zone-IV,
Corporation of Chennai,
266, Thiruvottiyur High Road,
Korukkupet,
Old Washermanpet,
Chennai 600 021.

5.The Assistant Engineer,
Division No.IV, Zone-IV,
Corporation of Chennai,
266, Thiruvottiyur High Road,
Korukkupet,
Old Washermanpet,
Chennai 600 021.

+1 CC to Mr.A.Ilaya Perumal, Advocate sr 54175
+1 CC to Mr.K.Raja Shrinivas, Advocate sr 54220
+1 CC to The Government Pleader sr 54647.

W.P. No.22606 of 2021

GJ(CO)
SP(09/11/2021)