



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.11.2021

CORAM:

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

W.P.No.22659 of 2021
and
W.M.P.No.23900 of 2021

G.Rajasekaran

...Petitioner

Vs.

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort. St.George, Chennai - 600 009.
- 2.The Assistant Engineer,
Division 165, Zone - XII,
Corporation of Chennai,
Alandur, Chennai - 600 016.
- 3.The Assistant Executive Engineer,
Zone - XII Alandur,
Corporation of Chennai,
Alandur, Chennai - 600 016.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to dispose of the revision petition No.9969 of 2021 dated 05.07.2021 and consequently, to direct the first respondent to dispose of the revision petition No.9969 of 2021 dated 05.07.2021 within a time frame fixed by this Court.

For petitioner : Mr.D.Suriyanarayanan

For respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader
(for R1)
Mr.K.Raja Shrinivas
Senior Standing Counsel (for R2 & R3)



ORDER

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

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The petitioner has come forward with this writ petition seeking a direction to the first respondent to dispose of the revision petition filed by him dated 05.07.2021 number as Revision Petition No.9969 of 2021.

2.It appears that as against the stop work notice issued by the respondents 2 and 3, the petitioner has preferred Special Revision before the first respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

3.It is the submission of the learned Senior Standing Counsel appearing for the respondents 2 and 3 Mr.K.Raja Shirnivas that the revision petition is not maintainable since the respondents 2 and 3 have sought for only approved plan from the petitioner. It is also stated that subsequent to the notice dated 26.07.2019, no follow up notice was given by the respondents 2 and 3 since the petitioner has already stopped the work.

4.The learned Additional Government Pleader appearing for the first respondent Mr.L.S.M.Hasan Fizal would state that the first respondent somehow entertained the revision petition filed by the petitioner and he is ready to pass orders in accordance with law.

5.The learned counsel for the petitioner would state that the petitioner would be satisfied, if a suitable direction is issued to the first respondent to pass orders on the special revision petition filed by the petitioner dated 05.07.2021.

6.In the light of the above submissions of the learned counsel appearing on either side and considering the nature of prayer sought for in the writ petition, without expressing any opinion on the merits of the matter, this Court directs the first respondent to dispose of the special revision petition preferred by the petitioner, dated 05.07.2021 numbered as Revision Petition No.9969 of 2021, on merits and in accordance with law, after affording opportunity of personal hearing to the petitioner, within a period of six months from the date of receipt of a copy of this order.



7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

skn
To

1. The Secretary to Government,
Housing and Urban Development Department,
Fort. St. George, Chennai - 600 009.

2. The Assistant Engineer,
Division 165, Zone - XII,
Corporation of Chennai,
Alandur, Chennai - 600 016.

3. The Assistant Executive Engineer,
Zone - XII Alandur,
Corporation of Chennai,
Alandur, Chennai - 600 016.

+1 cc to Mr. D. Suriyanarayanan, Advocate Sr. NO. 60497
+1 cc to Government Pleader Sr. NO. 60643

W.P.No.22659 of 2021
and
W.M.P.No.23900 of 2021

vg II(CO)
A.SK(08.12.2021)