



WEB COPY

1.W.P(MD)No.23244 of 2021:-

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)Nos.23244 & 23245 of 2021

and

W.M.P(MD)Nos.19660 & 19663 of 2021

1.W.P(MD)No.23244 of 2021:-

M.Venkadesh

... Petitioner

Vs.

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

2.The Commissioner,
Dindigul Corporation,
Dindigul - 624 001.

3.A.Elangovan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to hear and dispose of the petitioner's Special Revision Petition No.22072 of 2021 in accordance with law on merits within the period of time that may be decided by this Court.

For Petitioner

: Mr.A.V.Arumugam

For R - 1

: Mr.S.P.Maharajan

Special Government Pleader

For R - 2

: Mr.J.Lawrance

Standing Counsel

2.W.P(MD)No.23245 of 2021:-

C.Thirivengadam

... Petitioner

Vs.

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



2.The Commissioner,
Dindigul Corporation,
Dindigul - 624 001.

3.A.Elangovan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to hear and dispose of the petitioner's Special Revision Petition No.22071 of 2021 in accordance with law on merits within the period of time that may be decided by this Court.

For Petitioner	: Mr.A.V.Arumugam
For R - 1	: Mr.S.P.Maharajan Special Government Pleader
For R - 2	: Mr.J.Lawrance Standing Counsel

COMMON ORDER

(Order of the Court was made by **C.V.KARTHIKEYAN, J.**)

These two Writ Petitions have been filed, namely, W.P(MD) Nos.23244 and 23245 of 2021.

2.Since the issues are common in nature, a common order is passed in both the Writ Petitions.

3.The writ petitioners seek disposal of Special Revision Petitions filed by them before the first respondent/the Principal Secretary to Government, Housing and Urban Development Department at Chennai.

4.The petitioner in W.P(MD)No.23244 of 2021 had filed the Special Revision Petition only on 10.12.2021 and the petitioner in the other Writ Petition in W.P(MD)No.23245 of 2021 had filed the Special Revision Petition on 17.12.2021. Within a matter of less than 10 working days, both the petitioners expect that the first respondent should dispose of the Special Revision Petitions and that it should be heard urgently and that it should be heard overriding the other revision petitions already pending on the file of the first respondent.

5.The second respondent/Dindigul Corporation had issued a notice claiming that the construction put up by the petitioners are unauthorized, had no planning permission. There was an earlier litigation also initiated by the petitioners herein. The petitioners have finally filed the Special Revision Petitions before the first respondent as stated on 10.12.2021 and on 17.12.2021 respectively.



6.The present Writ Petitions are filed to stay the order of the second respondent/Dindigul Corporation till the Special Revision Petitions are disposed by the first respondent.

7.We are not able to understand why such a relief was not sought before the first respondent, before whom the Special Revision Petitions have been filed. It is informed that such a relief has also been sought before the first respondent.

8.It would be highly inappropriate for the first respondent on the one hand sitting at one office and for this Court sitting here in this Division Bench to examine the very same relief and it would only lead to inconsistency in the nature of orders passed. Once the Special Revision Petitions have been filed before the first respondent, the first respondent has the jurisdiction to examine both facts and law and also has jurisdiction to examine whether any orders passed by the second respondent have to be kept in abeyance till the Special Revision Petitions are heard and finally disposed of. It is not for this Court to direct how the matters to be dealt with or proceeded with by the first respondent, who is an independent authority and who also has jurisdiction not only inherent but also statutory to entertain the Special Revision Petitions.

9.The writ petitioners may move the first respondent for appropriate relief and if it is done so, I am confident that the first respondent would dispose of the same in manner known to law.

10.A direction is given to the first respondent to take up the interim relief applications sought by the petitioner on or before 10.01.2022 and pass necessary orders on the interim relief applications on or before 31.01.2022. No other directions can be given.

11.With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AE)

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/ /2022

Sub Assistant Registrar(CS)

lr/ps



To

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

2.The Commissioner,
Dindigul Corporation,
Dindigul - 624 001.

+2 CC to M/s.A.V.ARUMUGAM, Advocate (SR-40528,40529[F] dated
29/12/2021)

+1 CC to M/s.SPL.GP (SR-40538,40539[F] dated 30/12/2021)

**W.P (MD) Nos.23244 & 23245 of 2021
29.12.2021**

RK(06/01/2021) 4P 6C