



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.3675 OF 2022
W.M.P.NOS.3836 & 3837 OF 2022

Kodhai Raman

... Petitioner

.Vs.

1. The Principal Secretary to Government,
The Revenue and Disaster
Management Department,
Fort St. George, Chennai - 600 009.
2. The Principal Secretary/Commissioner,
Urban Land Ceiling and Urban Land Tax,
Ezhilagam, Chennai - 600 005.
3. The Tahsildar,
Sholinganallur Taluk,
Sholinganallur,
Chennai - 600119.
4. R.Elumalai
5. S.Uma

... Respondents

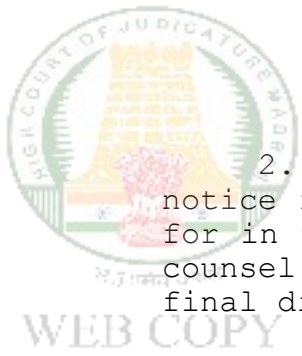
PRAYER:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the proceedings of the second respondent Na.Ka.No.7359/ 2019/E2 dated 13.11.2019 and quash the same.

For petitioner : Mr.S.Thirumavalavan

For Respondents : Mr.G.Nanmaran
Special Government Pleader

ORDER

The petitioner has filed this petition to call for the records of the proceedings of the second respondent Na.Ka.No.7359/2019/E2 dated 13.11.2019 and quash the same.



2. Mr.G.Nanmaran, learned Special Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since, no adverse order is being passed against the respondents 3 to 5, notice to the respondents is dispensed with.

4. The case of the petitioner is that the fourth and fifth respondents constructed an unauthorized construction over a road portion in front of the petitioner's residential plot, thereby preventing the petitioner having access to her plot. Since, the building itself is an unauthorized one, the petitioner made a representation to the Greater Chennai Corporation on 07.06.2018 and 19.07.2018 to take appropriate action on the unauthorized construction made by the private respondents. Since, the corporation failed to take action, the petitioner filed a Writ Petition in W.P.No.25892 of 2018 before this Court. When the matter came up for hearing, the Standing Counsel for the Corporation filed a report stating that the Corporation initiated action against the private respondents by issuing a notice dated 20.10.2018. Thereafter, the fourth and fifth respondents preferred an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act before the authority in which the petitioner submitted objection petition before the Government. Thereafter, the Additional Secretary, Technical Housing Department conducted enquiry among the parties. The fourth and fifth respondents produced an order dated 13.11.2019. Thereby informing the Additional Secretary that their plot was regularized by the Government under innocent Buyers Scheme. After noticing the same the petitioner filed a Review Petition before the second respondent to review the impugned order. Since, the Government regularized a completely different residential plot and whereas the fourth and fifth respondents claiming that the plot under their possession was regularized by the Government. However, the review petition filed by the petitioner was not considered. Hence the present Writ Petition has been filed by the petitioner for the above relief.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the second respondent to consider the review application filed by the petitioner dated 13.11.2019 within the time frame that may be fixed by this Court.

6. The learned Additional Government Pleader appearing for the respondents submits that the petitioner's representation dated 13.11.2019 will be considered by the second respondent within the time frame that may be fixed by this Court.



7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the second respondent to consider the petitioner's review petition dated 13.11.2019, and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order after affording an opportunity to the fourth and fifth respondents without interfering the impugned order in this petition.

8. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

tri/nhs

To

1. The Principal Secretary to Government,
The Revenue and Disaster
Management Department,
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Chennai - 600 009.
2. The Principal Secretary/Commissioner,
Urban Land Ceiling and Urban Land Tax,
Ezhilagam, Chennai - 600 005.
3. The Tahsildar,
Sholinganallur Taluk,
Sholinganallur,
Chennai - 600 119.

+1cc to Mr.S.Thirumavalavan, Advocate, S.R.No.12123
+1cc to the Government Pleader, S.R.No.13077

W.P.No.3675 of 2022 &
W.M.P.Nos.3836 & 3837 of 2022

PMK(CO)
PBS/17/03/2022