



W.P.No.26810 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.26810 of 2022

Rajendran

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Housing and Urban Development,
Secretariat, Fort St.George, Chennai - 600 009.
- 2.The Regional Officer,
7th Region, Chennai Corporation,
CTH Salai, Opp.to Dunlop Play Ground,
Chennai - 600 053.
- 3.The Assistant Executive Engineer,
V.20, G.C.C.Ambattur Zone,
Land Nagar, 536, CTH Road,
Ambattur, Chennai - 600 053.

4.Ramachandran

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the first respondent to hold enquiry by considering the representation of the petitioner dated 26.08.2022 in accordance with law by reviving the order made in Ma.A.7, Na.Ka.No.4933 & 5291/2022 dated 18.08.2022 on the file of 3rd respondent following the principles of natural justice to secure the ends of justice.

For Petitioner	: Mr.R.Sankarasubbu
For R1	: Mr.R.Vigneshwaran, Government Advocate
For R2	: Mr.D.B.R.Prabhu Standing Counsel
For R3	: No appearance
For R4	: Mr.T.Vijayashankar

ORDER

(Order of the Court was delivered by V.M.VELUMANI, J.)

The present writ petition is filed to direct the first respondent to hold enquiry by considering the representation of the petitioner dated 26.08.2022 in accordance with law by reviving the order made in Ma.A.7, Na.Ka.No.4933 & 5291/2022 dated 18.08.2022 on the file of

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3rd respondent following the principles of natural justice.

2. Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the first respondent, learned standing counsel appearing for the second respondent as well as learned counsel appearing for the fourth respondent and perused the entire materials on record.

3. According to the petitioner, the fourth respondent constructed illegally first, second and third floors at EWS 8/5, Ground Floor, Santham Colony, Anna Nagar, Chennai - 600 101. According to him, the fourth respondent is not the owner of the building. One Ramesh and Sridevi are the owners of ground floor and second floor respectively. The fourth respondent filed a Revision Petition before the first respondent seeking for regularisation of unauthorised construction put up by him. The grievance of the petitioner is that the first respondent passed an order dated 18.08.2022 without any notice to him. In such circumstances, the petitioner has sent a representation dated 26.08.2022 to the first



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respondent seeking to review the order dated 18.08.2022 passed in the Revision Petition Na.Ka.No.4933 & 5291/2022 and to dispose of the matter after hearing him. Since no action is taken till date by the 1st respondent, the petitioner has come up with the present Writ Petition.

4.Learned Government Advocate for the first respondent submitted that the petitioner was issued notice and he neither filed any objections nor appeared for hearing. The first respondent after considering the materials placed before it disposed of the Revision Petition vide orders dated 08.08.2022 and hence the present relief sought for by the petitioner is not maintainable and accordingly prayed for dismissal of the writ petition.

5.In view of the submissions made by the learned Government Advocate that the Revision Petition filed by the fourth respondent was disposed of by the first respondent by order dated 18.08.2022 only after issuing notice to the petitioner, the Writ Petition is dismissed with liberty to the petitioner to challenge the order passed by the first respondent in



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the manner known to law. No costs.

(V.M.V.,J.)

(R.H.,J.)

22.12.2022

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

mtl

To

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Housing and Urban Development,
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- 2.The Regional Officer,
7th Region, Chennai Corporation,
CTH Salai, Opp.to Dunlop Play Ground,
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V.M.VELUMANI, J.
and
R. HEMALATHA, J.



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