



WEB COPY



W.P.No.30178 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.30178 of 2022

K.Mani

.. Petitioner

Vs.

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Secretariat,
Chennai – 600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai – 600 003.
- 3.The Executive Engineer,
Zone – IX, Greater Chennai Corporation,
No.1, 4th Cross Street,
Lake View Road, Nungambakkam,
Chennai – 600 034.
- 4.The Assistant Executive Engineer,
Unit – 25, Div – 124, Zone-IX,
Greater Chennai Corporation,
No.1, 4th Cross Street,
Lake View Road, Nungambakkam,
Chennai – 600 034.

5.M.Ashok

.. Respondents



W.P.No.30178 of 2022

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to implead the petitioner as a necessary respondent and provide the petitioner reasonable opportunity of personal hearing in the revision filed by the 5th respondent dated 27.08.2022 on the basis of the petitioner representation dated 17.08.2022.

For Petitioner : Mr.S.Venkatesh

For R1 : Mr.A.Selvendran
Special Government Pleader

For R2 to R4 : Mr.D.B.R.Prabhu
Standing Counsel

ORDER

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

The present writ petition is filed for a direction to the 1st respondent to implead the petitioner as a necessary respondent and provide him reasonable opportunity of personal hearing in the revision filed by the 5th respondent dated 27.08.2022 before the 1st respondent based on the petitioner's representation dated 17.08.2022.

2. Heard the learned counsel appearing for the petitioner, learned Special Government Pleader appearing for the 1st respondent as well as the learned Standing Counsel appearing for the respondents 2 to 4 and perused the entire materials on record.



3. According to the petitioner, based on the complaint given by him, the respondents 3 and 4 inspected the property of the 5th respondent and issued lock and seal and de-occupation notice under Sections 56 and 57 of the Town and Country Planning Act, 1990. The 5th respondent filed revision before the 1st respondent under Section 80A of the Tamil Nadu Town and Country Planning Act, 1990. The 5th respondent also filed W.P.No.24190 of 2022 and this Court by the order dated 07.09.2022 directed the 1st respondent to consider the Special Revision/Appeal filed by the 5th respondent on merits and pass appropriate orders as per law, subject to the seniority of the petitioner. This Court further directed to maintain *status quo* as on that date to be maintained by both the parties.

4. The petitioner gave representations dated 06.08.2022, 17.08.2022 and 23.08.2022 to the respondents 1 and 2 to include him as a necessary party respondent in the revision filed by the 5th respondent. The 1st respondent by the communication dated 17.10.2022 informed the petitioner that his objection will be considered at the time of hearing of the revision filed by the 5th respondent.



W.P.No.30178 of 2022

5. When the matter is taken up for hearing, Mr.A.Selvendran, learned Special Government Pleader appearing for the 1st respondent submitted that personal hearing was given to the petitioner on 23.11.2022 and orders will be passed after hearing the petitioner as well as the 5th respondent.

6. In view of the above submissions made by the learned Special Government Pleader appearing for the 1st respondent, the 1st respondent is directed to hear the objection of the petitioner as well as 5th respondent and pass appropriate orders on the revision filed by the 5th respondent, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition is disposed of. No costs.

(V.M.V., J) (R.H., J)
12.12.2022

Index : Yes / No
Internet : Yes / No

dm



W.P.No.30178 of 2022

To

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Secretariat,
Chennai – 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai – 600 003.
3. The Executive Engineer,
Zone – IX, Greater Chennai Corporation,
No.1, 4th Cross Street,
Lake View Road, Nungambakkam,
Chennai – 600 034.
4. The Assistant Executive Engineer,
Unit – 25, Div – 124, Zone-IX,
Greater Chennai Corporation,
No.1, 4th Cross Street,
Lake View Road, Nungambakkam,
Chennai – 600 034.



WEB COPY



W.P.No.30178 of 2022

V.M.VELUMANI, J.
and
R.HEMALATHA, J.

dm

W.P.No.30178 of 2022

12.12.2022