



W.P.No.645 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.645 of 2023

R.C. Mini

... Petitioner

Vs.

1. The Principal Secretary
Housing and Urban Development Department,
Secretariat, Chennai 600 009.
2. The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Chennai 600 009.
3. The District Collector,
Collectorate Chennai,
No.62, Rajaji Salai, Chennai 600 001.
4. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai 600 003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ, order or direction in the nature of Writ of Mandamus directing the 1st respondent herein to dispose of the Revision



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dated 29.10.2022 pending before his office filed by the petitioner as against the order of the 2nd respondent vide order No.6790/U.D.VII(1)/2021-1 dated 31.05.2022 within a stipulated time.

For Petitioner : Mr.M.Guruprasad

For R1 to R3 : Mr.A. Selvendran
Special Government Pleader

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

ORDER

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

The petitioner has come out with the present Writ Petition for a direction to the 1st respondent herein to dispose of the Revision dated 29.10.2022 pending before his office filed by the petitioner as against the order of the 2nd respondent vide order No.6790/U.D.VII(1)/2021-1 dated 31.05.2022 within a stipulated time.

2. By consent of the learned counsel appearing for the petitioner as well as Mr.A. Selvendran, learned Special Government Pleader, who takes notice for the respondents 1 to 3 and Mr.D.B.R.Prabhu, learned Standing Counsel who takes notice for the



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4th respondent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 to 3 and the learned Standing Counsel appearing for the 4th respondent and perused the entire materials on record.

4. The petitioner, claiming to be the great grand daughter of P.Damodaran Pillai, applied for transfer of patta in respect of the property in Survey No.130/1 & 130/2, which was bequeathed in her favour by her great grand father by a registered Will dated 14.09.1992. She has elaborately made averments in the affidavit with regard to her claim. Learned counsel appearing for the petitioner submitted that the petitioner made a representation to the 4th respondent for removal of unauthorised construction put up in the said property. The 4th respondent ordered lock and Seal and Demolition notice vide Letter No.Dic.179/0004 dated 20.03.2021. The same was challenged by one



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Hema, wife of Kannan (one of the four persons to whom lock and seal notice was issued) by filing an appeal under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971 before the 2nd respondent. The 2nd respondent without properly giving an opportunity to the petitioner directed the appellants therein to carry out rectification and obtain revised planning permission within three months' time, failing which the 4th respondent was directed to pursue further action as per provision of Tamil Nadu Town and Country Planning Act, 1971. Challenging the said order, the petitioner filed a Revision before the 1st respondent on 29.10.2022. Since no order has been passed, the petitioner has come out with the present Writ Petition.

5. Considering the nature of relief sought for in this Writ Petition, without deciding the ownership on merits, it is suffice to direct the 1st respondent to dispose of the Revision Petition filed by the petitioner as expeditiously as possible in any event within a period of three (3) months from the date of receipt of a copy of this order.



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6. With the above directions, the Writ Petition is disposed of.

No costs.

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

10.01.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

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To,

1. The Principal Secretary
Housing and Urban Development Department,
Secretariat, Chennai 600 009.
2. The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Chennai 600 009.
3. The District Collector,
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V.M.VELUMANI, J.
and



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R. HEMALATHA, J.
bga

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