



WEB COPY



W.P.No.3421 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P.No.3421 of 2023
and
W.M.P.No.3488 of 2023

Mala Murugan

.. Petitioner

Vs.

1.The Secretary to Government,
Housing and Urban Development Department,
Chennai-600 009.

2.The Commissioner,
Corporation of Tambaram
At Chrompet, Chennai – 600 044.

.. Respondents

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 dispose of the statutory revision petition dated 27.01.2023 filed under 80(A) of Tamil Nadu and Town and Country Planning Act, as against the order dated 07.01.2022 copy not served to the petitioner and consequential Notice of the 2nd Respondent issued under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, within time framed by this Court.

For Petitioner : Mr.R.Ramachandran
for Mr.A.Ramalingam



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For R1 : Mrs.R.L.Karthika
Government Advocate

For R2 : Mr.P.Srinivas
Standing Counsel

ORDER

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

The Writ Petition is filed for a direction to the 1st respondent to dispose of the Statutory Revision Petition dated 27.01.2023 filed under 80(A) of Tamil Nadu and Town and Country Planning Act, 1971 as against the order dated 07.01.2022 and consequential notice of the 2nd respondent issued under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, within time framed by this Court.

2. By consent of both the learned counsel appearing for the petitioner, Mrs.R.L.Karthika, learned Government Advocate, who takes notice for 1st respondent as well as Mr.P.Srinivas, learned Standing Counsel, who takes notice for 2nd respondent, the writ petition is taken up for final disposal at the stage of admission itself.



3. Heard Mr.R.Ramachandran, learned counsel appearing for the petitioner, Mrs.R.L.Karthika, learned Government Advocate appearing for 1st respondent as well as Mr.P.Srinivas, learned Standing Counsel appearing for 2nd respondent and perused the entire materials on record.

4. According to the petitioner, her husband is the absolute owner of land in S.No.320/3 measuring to an extent of 1677 sq.ft, T.S.No.1/3, Ward No.D, Block No.49 at Jammeeen Pallavaram Village, Alandhur Taluk Chennai District. The petitioner's husband entered into joint-venture agreement with one Mugamad Ali Jinnah, who is a building promoter on 28.02.2012. The builder/promoter has constructed apartment consisting 6 flats, in G+2, building. The ground floor area is reserved for car parking for flat owners. The car parking area marked as F2 is reserved for petitioner's flat. The petitioner's husband died on 10.08.2020. Thereafter, the petitioner has constructed a temporary shed with hollow black stone for security/watchman room for her safety purpose in the place of car parking reserved for her flat. Therefore, the 2nd respondent has passed the impugned order dated 07.01.2022 for putting up lock and seal of the shed/security room put up by the petitioner. Even the said impugned order was not at all served on the petitioner. As against the said



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order, the petitioner preferred Statutory Revision Petition dated 27.01.2023 under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971 before the 1st respondent. Since no order has been passed by the 1st respondent, the petitioner has come out with the present writ petition for the above stated relief.

5. Mr.P.Srinivas, learned Standing Counsel appearing for the 2nd respondent/Commissioner, Corporation of Tambaram submitted that the petitioner has constructed building without any permission and in view of the same, notice was issued to the petitioner. He further submitted that as per the order of this Court dated 04.01.2023 made in W.P.No.29270 of 2022 filed by one Rakesh, this Court directed the Commissioner, Tambaram City Municipal Corporation (Pallavapuram) to take action against the unauthorised construction put up by the petitioner within a period of four weeks from the date of receipt of a copy of the order and to file a status report.

6. Considering the above submissions made by the learned counsel appearing for the petitioner and learned Standing Counsel appearing for the 2nd respondent and without deciding the matter on merits, the



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1st respondent is directed to dispose of the Statutory Revision Petition dated 27.01.2023 filed by the petitioner under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971 within a period of six months from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

(V.M.V., J) (K.K.R.K., J)
07.02.2023

Index : Yes / No
Neutral Citation : Yes / No
dm

To

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Housing and Urban Development Department,
Chennai-600 009.

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At Chrompet, Chennai – 600 044.



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and
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