



W.P.No.7189 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.7189 of 2023 and

WMP No.7249 of 2023

P.Manishankar

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
St. George Fort, Chennai 600 009.
2. Member-Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building, No.1,
Gandhi Irwin Road, Egmore,
Chennai 600 008.
3. The Director, Fire and Rescue Services Department,
3796 + CG9, Rukmani lakshmipathi Road,
Pudupet, Komaleeswaranpet, Egmore,
Chennai, Tamil Nadu 600 002.

.. Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the respondents 2 and 3 not to take any coercive action with respect to Plot No.4613B, Door No.Y-213, Survey No.108/1 (213/1), Anna Nagar, Chennai 600 040, pending disposal of revision under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971, on the file of the first respondent dated 10.01.2023.

For petitioner : Ms.Abiramee
for Ms.V.Srimathi

For respondents : Mr.Krishna Raja, Addl.Govt.Pleader
for R1 and R3.

Mr.R.Sivakumar, Standing Counsel
for R2.

ORDER

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This writ petition has been filed seeking to issue a Writ of Mandamus directing the respondents 2 and 3 not to take any coercive action with respect to Plot No.4613B, Door No.Y-213, Survey No.108/1 (213/1), Anna Nagar, Chennai 600 040, pending disposal of revision filed by the petitioner under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971, on the file of the first respondent dated 10.01.2023.



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2. When the matter is taken up for hearing, the learned Additional Government Pleader appearing for the first respondent placed a written submission given by the first respondent before this Court and submitted that personal hearing to dispose the revision petition, filed by the petitioner under Section 80(A) of the Tamil Nadu Town and Country Planning Act is fixed on 28.03.2023 at 11.30 a.m. He further submitted that, the above said revision petition will be disposed of, if the petitioner co-operates for enquiry.

3. The learned counsel appearing for the petitioner submitted that the petitioner has filed revision petition on 10.01.2023 before the first respondent and in so far, no order has been passed. He further submitted that the petitioner is ready to co-operate for enquiry and till the disposal of the revision petition, the respondents may be directed not to take any coercive action for implementation of de-occupy notice dated 14.11.2022.

4. Considering the above submission made by the learned counsel to either parties, and also taking into account the fact that the revision petition



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filed by the petitioner is taken up for final disposal by the first respondent, we inclined to dispose the writ petition with the following directions.

i) The petitioner is directed to appear before the first respondent on 28.03.2023 and place all the materials before him and also co-operate for enquiry and disposal of the revision petition.

ii) The first respondent is directed to consider the revision petition filed by the petitioner, on its own merits and in accordance with law and dispose the same, within eight weeks from the date of receipt of a copy of this order.

iii) The de-occupation notice dated 14.11.2022, issued by the second respondent shall be kept in abeyance, till the disposal of the revision petition filed by the petitioner.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected writ miscellaneous petition is closed.

(D.K.K.J.)

(K.G.T.J.)

20.03.2023

Index : Yes/No
Internet : Yes/No
mst



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WEB COPY To

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