



W.P.No.15206 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.15206 of 2023 and

WMP No.14712 of 2023

1. J.Raghupathy

2. J.Pushpaharan

... Petitioners

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
St. George Fort, Secretariat,
Chennai 600 009.

2. The Executive Engineer, Greater Chennai Corporation,
Zone-VII, CTH Road, Ambattur, Chennai 600 053.

3. The Assistant Executive Engineer,
Unit-19, Zone-VII, Greater Chennai Corporation,
CTH Road, Ambattur, Chennai 600 053.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to dispose of the review petition dated 07.01.2022 filed by the petitioners and until such time



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to direct the second and third respondents not to take any coercive action of locking and sealing of the building at No.65/16(75), MTH Road, Varadharajapuram, Ambattur, Chennai 600 053.

For Petitioners : Mr.V.Vasanth Kumar

For Respondents : Mr.A.Selvendran,
Spl.Govt.Pleader for R1

Mr.E.C.Ramesh,
Standing Counsel for R2 and R3

ORDER

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

Today, when the matter is listed for hearing, the learned Special Government Pleader appearing for the first respondent placed an order dated 31.05.2023 passed by the Principal Secretary to Government, Housing and Urban Development Department, Secretariat, Chennai-9, wherein, the Review Petition filed under Section 81 of the Town and Country Planning Act, 1971 by the petitioners was rejected, as there is no power of revision given to the Government. He further submitted that the petitioners have filed the Review Petition as against the rejection order passed in the Appeal, but, there is no provision to file a review petition as against the rejection of



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Appeal. Therefore, he seeks to dismiss the Writ Petition as infructuous.

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2. At this juncture, the learned counsel for the petitioners seeks permission of this Court to challenge the earlier order passed in the Appeal petition filed by the petitioners.

3. The submission made by the counsel appearing on either side is recorded.

4. In view of the order passed in the Review Petition filed by the petitioners, the prayer sought for in the writ petition has become infructuous. Therefore, the writ petition is dismissed as infructuous, with liberty to challenge the earlier order passed in the Appeal Petition. Consequently, connected miscellaneous petition is closed. No costs.

(D.K.K.J.) (P.D.B.J.)

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