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W.P.No.20953 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 14.09.2023**

**CORAM**

**THE HON'BLE MRS. JUSTICE J.NISHA BANU  
AND  
THE HON'BLE MRS. JUSTICE N.MALA**

**W.P.No. 20953 of 2023  
and W.M.P.Nos.20327 and 20331 of 2023**

Shanmugavel

.....Petitioner

**vs**

1.The Government of Tamil Nadu,  
Rep. by its Additional Secretary (Technical),  
Housing and Urban Development Department  
Secretariat,  
Fort St. George,  
Chennai- 009.

2 The Commissioner  
Greater Chennai Corporation,  
Ripon Building  
Chennai- 003.

3 The Assistant Engineer  
Division - 41  
JJ Nagar Near Korukkupet Railway Station  
KNS Depot,  
Korukkupet,  
Chennai- 600 021.

4 The Assistant Executive Engineer



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Unit- 10,  
No.266, Thiruvottiyur High Road,  
Korukkupet, Old Washermanpet,  
Chennai- 600 021.

5 The Executive Engineer  
Zone-4, No.266, Thiruvottiyur High Road,  
Korukkupet, Old Washermanpet,  
Chennai-600 021.

....Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records pertaining to the proceedings of the 1st Respondent in Letter No.3827891/ UD 6 (1) / 2022 - 3 dated 30.06.2023 and to quash the same as illegal incompetent and ultravires.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.P.Gurunathan for R1 and R3 to R5  
Additional Government Pleader  
Mr.D.B.R.Prabhu for R2  
Standing Counsel

### **ORDER**

This writ petition has been filed to call for the records pertaining to the proceedings of the 1st Respondent in Letter No.3827891 / UD 6 (1) / 2022 - 3 dated 30.06.2023 and to quash the same.

2. According to the petitioner, he is in possession and enjoyment of



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527 sq.ft of land and building situated at No.6/54, Sasthri Street, Moopanar Nagar, Korukkupet, Chennai - 600 021. Since the building is in dilapidated and damaged condition, he carried out repair and modification works. The respondents 3 to 5 misunderstood the repair works as the structure itself is being reconstructed and issued stop work notice dated 05.05.2021, lock and seal notice dated 21.06.2021 and de-occupation notice dated 12.12.2022. As against the said notices, the petitioner preferred a revision petition and stay petition to the Government under Section 80 A and 80(A)(3) of Tamil Nadu Town and Country Planning Act, 1971.

3. While passing the order under Section 80(A), it was specifically stated that though several opportunities were given to the petitioner for personal hearing on 28.04.2023, 30.05.2023 and 30.05.2023, he did not appear before the 1st respondent. Therefore, the order was passed in his absence.

4. The learned counsel for the petitioner prayed that one



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opportunity may be given to the petitioner to substantiate his case before the authority.

5. Considering the limited request and also that the impugned order was passed without hearing the petitioner, we feel that it would be appropriate to give one last opportunity to the petitioner.

6. Accordingly, the impugned order dated 30.06.2023 passed by the 1st respondent is set aside and the matter is remitted to the 1st respondent for passing fresh orders after hearing the petitioner. The 1st respondent is directed to fix the date of personal hearing for petitioner on 10.10.2023 and pass orders afresh, after affording an opportunity to the petitioner to substantiate his case. It is made clear that if the petitioner fails to appear on 10.10.2023, the 1st respondent is at liberty to pass orders in accordance with law. The 1st respondent shall pass final orders within a period of four(4) weeks from the date of hearing i.e., 10.10.2023.



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7. With the above direction, the writ Petition is allowed.

No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B,J.) (N.M., J.)  
14.09.2023

msv

Index:Yes / No

Internet:Yes/No

Speaking order: Non-speaking order

To

1. The Additional Secretary (Technical)  
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**J. NISHA BANU, J.**  
**and**



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**N.MALA,J.**

msv

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