



WEB COPY



W.P. No. 31190 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 31190 of 2023

R.S.Chendhilvel

... Petitioner

-VS-

1. The Appellate Authority
The Principal Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai – 9.

2. The Member Secretary
Chennai Metropolitan Development Authority
Irwin Gandhi Road
Egmore, Chennai.

3. M/s. Jain Housing
Represented by Partner Mr. P.E.Sandeen Mehta
No. 98/99, Habibullah Road
T.Nagar, Chennai – 600 017.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to number the appeal filed by the Petitioner under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971, dated 17.12.2022, as against the orders of the Second Respondent in Letter No. B-1/4621/2019 dated 20.10.2022.

For Petitioner : Mr. AR.M.Arunachalam

For Respondents : Mr. U.Baranidaran, AGP (R1)
Mr. Sudalaiselvan (R2)



W.P. No. 31190 of 2023

ORDER

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Heard Mr. L.Aishwarya Lakshmi, Learned Counsel for the Petitioner, Mr. U.Baranidaran, Learned Additional Government Pleader, who takes notice for the First to Third Respondents and Mr. V.Ravi, Learned Counsel, who takes notice for the Fourth Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Third Respondent, notice to them is dispensed with.

3. The Writ Petition has been filed for directing the First Respondent to number the appeal dated 17.12.2022 filed by the Petitioner under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971, as against the order dated 20.10.2022 in Letter No. B-1/4621/2019 passed by the Second Respondent.

4. Learned Additional Government Pleader appearing for the First to Third Respondents, on instructions, states that the said appeal dated 17.12.2022 filed by the Petitioner has been taken on file as C. No. 3784835/2022 on 22.12.2022



W.P. No. 31190 of 2023

and certain details have been called from the Second Respondent and after its receipt, the appeal committee would hear the case.

5. Having regard to the aforesaid action taken, nothing remains for further consideration in the matter, but if the Petitioner still has any further grievance, he is not precluded from working out his remedies before the proper forum in the manner recognized by law.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

01.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 31.01.2024.

Maya

To

1. The Appellate Authority
The Principal Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai – 9.



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W.P. No. 31190 of 2023

P.D. AUDIKESAVALU, J.

Maya

2. The Member Secretary
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