



WEB COPY



Rev.Apl.190 of 2023
in W.P.No.1667 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **21.12.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE N.MALA

Rev.Application (Writs) No.190 of 2023
in W.P.No.1667 of 2021

G.Deva

... Petitioner/Petitioner

Vs.

1.The Chennai Metropolitan Water Supply and
Sewerage Board,
Represented by its Chairman,
No.1, Pumping Station Road,
Chintadripet,
Chennai – 600 002.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
E.V.R.Road,
Chennai – 600 003.

3.The Executive Engineer,
Corporation of Chennai – ZONE-VIII,
No.36B/12B, 2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai – 600 030.



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4. The Assistant Executive Engineer (Unit-22),
Corporation of Chennai -ZONE-VIII,
No.36B/12B, 2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai – 600 030.

5. The Assistant Engineer (Dn-105),
Corporation of Chennai – ZONE -VIII,
No.36B/12B, 2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai – 600 030.

6. Poongavanam

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

(R7 Suo Moto impleaded as per Order
01.08.2023 passed by JNBJ and NMJ)

..Respondents/Respondents

PRAYER: Review Petition filed under Order 47 Rule 1 R/W. Section 114
of CPC to review the order passed in W.P.No.1667 of 2021 dated
01.08.2023.

For Petitioner : Mr.R.Jayaprakash

For Respondents : M/s.C.N.Vinobha
Standing Counsel
Mr.D.B.R.Prabhu for R2 to R5
Standing Counsel
Mr.Stalin Abhimanyu for R7
Additional Government Pleader
No appearance for R6

ORDER



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(Order of the Court was made by J.Nisha Banu,J.)

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This Review Application has been filed by the Writ Petitioner whose prayer to remove the unauthorised construction made on water drain channel by the 6th respondent by considering his representation dated 13.07.2020 and the same was disposed of by this Court on 01.08.2023 directing the 7th respondent to consider the 80-A appeal filed by the 6th respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act.

2. In the grounds of Review application, the counsel for the petitioner has brought to the notice of this Court that the Government had already rejected the 80-A appeal filed by the 6th respondent as early as on 29.10.2021 vide Letter No.3253/UD-VI (2)/2021-4 and the same has been suppressed by the learned counsel for the 6th respondent.

3. A perusal of the order passed by the 7th respondent/The Secretary to Government would go to show that the said order has been passed after considering the entire materials regarding the land, building and the



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illegality done by the 6th respondent.

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4. The review petitioner has obtained the information dated 29.09.2023 under the Right to Information Act stating that the 80-A appeal has been rejected by the 7th respondent [Additional Secretary (Technical)] on 29.10.2021 and directed the Greater Chennai Corporation to pursue necessary enforcement action. Therefore, the review petitioner has come before this court to review the order dated 01.08.2023.

5. Heard both sides and perused the materials available on record.

6. Learned counsel appearing for the 6th respondent submitted that he has given change of vakalat for the 6th respondent. Therefore, this Court sent notice to the 6th respondent for her appearance. Though notice has been served on the 6th respondent and her name being printed in the cause list, she has not appeared either in person or through her counsel.

7. In the light of the above discussion, taking note of the fact that



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80-A Appeal had already been rejected on 29.10.2021, we deem it fit to allow the present Review Application. Accordingly, the order passed in W.P.No.1667 of 2021 dated 01.08.2023 is set aside. We direct the respondents 2 to 5 to pursue necessary enforcement action in the subject property by following due process of law. The said exercise shall be completed within a period of six(6) weeks from the date of receipt of a copy of this order.

8. The Review Application is allowed on the above terms.

No costs.

(J.N.B.J.) (N.M.J.)
21.12.2023

Index: Yes/No
Speaking/Non-speaking order
msv

To
1.The Chairman,



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