



WEB COPY



W.P.No. 25466 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR
And
THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No. 25466 of 2023
and
WMP.Nos. 24858 and 24859 of 2023

Olympia Tech Park (Chennai) Pvt. Ltd.,
Represented by its Authorized Signatory,
No.1, SIDCO Industrial Estate,
Guindy, Chennai - 600 032.

...Petitioner

Versus

1. The Government of Tamil Nadu
Represented by its Principal Secretary,
Housing and Urban Development Department,
Secretariat, Fort St, George, Chennai - 600 009.

2. The Chennai Metropolitan Development Authority,
Represented by its Member-Secretary,
No.1, Gandhi-Irwin Road, Egmore,
Chennai - 600 008.

3. The Secretary,
Olympia Grande Apartment Owners,
Welfare Association,
Door No. 328, G.S.T. Road, Pallavaram
Chennai - 600 043.

(R3 suo motu impleaded vide order
dated 31.08.2023 made in W.P.No. 25466 of 2023)

... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari calling for the records of 2nd respondent in its Letter No. EC/S-I/14813/2019, dated 22.08.2023 and quash the same,

For Petitioner : Mr.Darshan
For R1 : Mrs.S. Anitha
Special Government Pleader
For R2 : Mr.P.Kumaresan
Additional Advocate General
For R3 : No Appearance

ORDER

This Writ Petition is filed for issuance of Writ of Certiorari to quash the impugned order of the second respondent in its Letter No.EC/S-I/14813/2019, dated 22.08.2023.

2. Vide proceedings dated 22.08.2023, the second respondent called upon the petitioner to restore the building as per the approved plan within 30 days and informed the petitioner that action will be taken under Sections 56 and



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57 of the Tamil Nadu Town and Country Planning Act, in case the building is restored as per plan, approved. The petitioner has admitted before this Court that he has availed the alternative remedy before the appeal as against the order of the first respondent-Government under Section 79 of the Tamil Nadu Town and Country Planning Act. Subsequently, vide proceedings dated 08.02.2021 action was initiated for locking and sealing. The petitioner has preferred a revision before the Government under Section 80-A of the Tamil Nadu Town and Country Planning Act. The petitioner, thereafter, submitted the representation before the second respondent, and requested the second respondent to keep the matter in abeyance till the appeal is disposed of on merits.

3. The learned counsel appearing for the petitioner submitted that the revision is listed to be heard today and therefore, the matter may be adjourned. Since the petitioner has preferred a statutory revision before the first respondent, his grievance is that the revision ought to be heard before the implementation of impugned order.



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4. In the circumstances stated on the admitted facts, the Writ Petition is disposed with the following order:

(i) The impugned order shall be keep in abeyance, till such time, the revision stated to have been filed by the petitioner disposed of on merits.

(ii) Depends upon the outcome of the appeal stated to have been filed by the petitioner, the respondent may initiate appropriate action or withdraw the proceedings in accordance with law.

(iii) In case, the appeal is dismissed on merits, it is open to the respondent to take appropriate action pursuant to the impugned order in the manner known to law.

(iv) It is open to the petitioner challenge the order of revisional authority in case any adverse order is passed.

5. The Writ Petition is disposed of accordingly. No costs.

Consequently, connected Miscellaneous Petitions are closed.

[S.S.S.R., J] [N.S., J]
29.01.2024

MSM

Index : Yes/No

Speaking Order : Yes/No



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Neutral Citation : Yes/No

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S.S.SUNDAR, J
And
N. SENTHILKUMAR, J

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