



WEB COPY



W.P.No.5532 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM

THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Writ Petition No.5532 of 2025

and

Writ Miscellaneous Petition No.6097 of 2025

B.Thara Bai

... Petitioner

Vs.

1. The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai – 600 009.
2. The Zonal Officer,
Zone 12, Greater Chennai Corporation,
No.1, New Street (Near GST Road),
Alandur, Chennai – 600 016.
3. The Executive Engineer,
Zone-12, Greater Chennai Corporation,
No.1, New Street (Near GST Road),
Alandur, Chennai – 600 016.
4. The Assistant Executive Engineer,
Unit – 35, Zone-12,
Greater Chennai Corporation,
No.121, Nagireddy Street,



W.P.No.5532 of 2025

Garment Complex, SIDCO Guindy,
Chennai – 600 032.

WEB COPY

5. The Assistant Engineer,
Division – 156, Unit – 35, Zone – 12,
Greater Chennai Corporation,
Mugalivakkam,
Chennai – 600 125.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the 1st respondent to hear the application in 80-A of Tamil Nadu Town and Country Planning Act, 1971 dated 09.10.2024 filed by the petitioner pending before the 1st respondent.

For Petitioner : Mr.K.Thilageswaran

For R1 : Mr.M.Alagu Goutham
Government Advocate

For R2 to R5 : Mrs.Vanitha Joice Rani.S
Senior Counsel for Greater Chennai Corporation

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ of mandamus has been instituted to direct the 1st respondent to hear the application in 80-A of the Tamil Nadu Town and Country Planning Act, 1971 dated 09.10.2024 filed by the petitioner pending before the 1st respondent.



WEB COPY

2. Issue that is to be considered in the present *lis* is that whether it is necessary high Court to exercise of the powers of judicial review to direct the Subordinate Courts or the Statutory Authority to dispose of the matters by fixing a time line.

3. Such a directions without ascertaining the work load of the authority would undoubtedly cause prejudice to the other persons, who all are waiting for disposal of their appeals/cases. High Court is not expected to grant priority to a person, who is filing a writ petition. As a constitutional Court, the work pendency, availability of officials and other mitigating factors are to be taken into consideration for the purpose of issuing a direction to dispose of a case or appeal, revision, etc.

4. The Constitution Bench of the Hon'ble Supreme Court of India, in the case of ***High Court Bar Association Allahabad vs. State of Uttar pradesh and others*** reported in (2024) 6 SCC 267 held as follows:

“47.3 Constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other courts. Constitutional courts may issue directions for the time-bound disposal of cases only in exceptional circumstances.



WEB COPY



W.P.No.5532 of 2025

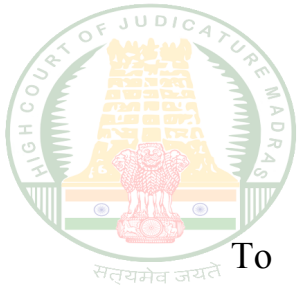
The issue of prioritizing the disposal of cases should be best left to the decision of the courts concerned where the cases are pending.”

5. Sub Section (3) to Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 grants liberty to the revision petitioner to file an interlocutory application seeking interim order from the hands of the revisional authority. It is for the revision petitioner to move the same. Therefore, High Court, at this stage is not inclined to entertain the present petition, which would derail the regular hearing of the proceedings before the competent authority. The stay petition, if any filed by the revision petitioner may be decided as expeditiously as possible.

6. With the above observation, writ petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is also stands dismissed.

(S.M.S., J.) (K.R.S., J.)
18.02.2025

ssi
Index: Yes
Speaking Order: Yes/No
Neutral Citation Case : Yes/No



W.P.No.5532 of 2025

To

WEB COPY

1. The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai – 600 009.
2. The Zonal Officer,
Zone 12, Greater Chennai Corporation,
No.1, New Street (Near GST Road),
Alandur, Chennai – 600 016.
3. The Executive Engineer,
Zone-12, Greater Chennai Corporation,
No.1, New Street (Near GST Road),
Alandur, Chennai – 600 016.
4. The Assistant Executive Engineer,
Unit – 35, Zone-12,
Greater Chennai Corporation,
No.121, Nagireddy Street,
Garment Complex, SIDCO Guindy,
Chennai – 600 032.
5. The Assistant Engineer,
Division – 156, Unit – 35, Zone – 12,
Greater Chennai Corporation,
Mugalivakkam,
Chennai – 600 125.



WEB COPY



W.P.No.5532 of 2025

S.M.SUBRAMANIAM., J.

AND

K. RAJASEKAR., J.

ssi

W.P.No.5532 of 2025 and
W.M.P.No.6097 of 2025

18.02.2025