

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P. No.26705 of 2015 and M.P. Nos.1 to 3 of 2015

Azeez Khaleeli, Muthawalli
M.A. Namazie Endowment
Old No.28, New No.148
Angappa Naicken Street
Chennai 600 001

....Petitioner

vs.

- 1 The Executive Engineer
Town Planning Enforcement
Region Central
Office of the Corporation of Chennai
Regional Office
II Cross Street, Pulla Avenue
Shenoy Nagar, Chennai 600 030
- 2 The Assistant Executive Engineer / U - 24
Town Planning Enforcement
Region Central
Office of Corporation of Chennai
Regional Office
II Cross Street, Pulla Avenue
Shenoy Nagar, Chennai 600 030
- 3 The Assistant Engineer III
Town Planning Enforcement
Region Central
Office of Corporation of Chennai
Regional Office
II Cross Street, Pulla Avenue
Shenoy Nagar, Chennai 600 030.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records of the respondents culminating in the impugned notice issued by respondents 1 to 3 dated 28.07.2015 bearing reference Notice No.REGIONCENTRAL / TPENF / 0716 / 2015, quash the same.

For petitioner Mr. M. Sundar
 for Mr. K. Ashok Kumar

For respondents Ms. Karthikaa Ashok
 Standing Counsel

ORDER

(made by SATISH K. AGNIHOTRI, J.)

Mrs. Karthikaa Ashok, learned Standing Counsel, accepts notice for the respondents. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2 The challenge in this writ petition is to the de-occupation notice dated the 28th ultimo issued by the respondents under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act").

3 Concededly, the impugned order is appealable before the Government under Section 80-A of the Act. In such view of the matter, we are afraid that we are not inclined to entertain this writ petition, at this stage. However, we reserve liberty to the petitioner to the petitioner to prefer an appeal challenging the impugned order, within a period of two weeks from today, if so advised. It is made clear that for a period of two weeks from today, status quo as obtained today, in respect of the property in question, shall be maintained by both the parties.

4 The writ petition stands disposed of with the above observations. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)

True Copy सत्यमेव जयते

Sub Assistant Registrar

cad

To

1

The Executive Engineer
Town Planning Enforcement
Region Central
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Regional Office
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Shenoy Nagar, Chennai 600 030

WEB COPY

2 The Assistant Executive Engineer / U - 24
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1 cc to Mr. K. Ashok Kumar, Advocate Sr.No.45900

1 cc to Ms. Karthikaa Ashok, Advocate Sr.No.45933

W.P. No.26705 of 2015

pmk.28.8.2015



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