

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE DR.JUSTICE P. DEVADASS

W.P. No.35929 of 2015 and M.P. No.1 of 2015

E. Saravanan

Petitioner

vs.

- 1 The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003
- 2 The Executive Engineer, Zone V
Corporation of Chennai
Basin Bridge Road, Chennai
- 3 The Assistant Executive Engineer - Unit 14
No.2, Adikesavan Street
Chennai 600 002
- 4 The Junior Engineer - Division 62
No.2, Adikesavan Street
Chennai 600 002

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records relating to the impugned notice dated 12.10.2015 in Lr.No./Dn.62/027/2015 issued by the respondents 2 to 4 and quash the same.

For petitioner : Mr. K. Rajasekaran

For respondents : Mr. V.C. Selvasekaran
Standing Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. V.C. Selvasekaran, learned Standing Counsel, accepts notice for the respondents.

2 This writ petition is filed assailing the legality and validity of the notice dated 12 October 2015 issued by the respondents 2 to 4 under Section 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act").

3 The learned counsel for the petitioners, has, inter alia contended that the authorities have issued the impugned notice without even conducting inspection of the premises in question and verifying the actual construction. Thus, the impugned notice is liable to be set aside.

4 Be that as it may, it is not that the petitioner does not have any other remedy, except assailing the impugned notice by filing this writ petition. The impugned notice issued under Section 57 read with Section 85 of the Act, may be assailed under Section 80-A of the Act before the Government. Needless to state that under Section 80-A(3) of the Act, there is also a provision for seeking interim relief. As such, there is no reason to bypass or sidestep the concerned jurisdiction to invoke the extra-ordinary jurisdiction of this Court under Article 226 of the Constitution of India.

We, accordingly, dismiss the writ petition reserving liberty to the petitioner to take recourse to the appropriate forum, if so advised. For a period of two weeks from today, there shall be an order of status quo as obtained today, in respect of the property in question, to enable the petitioner to prefer an application assailing the impugned notice, if so advised. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar

/true copy/

सत्यमेव जयते

Sub Asst. Registrar

cad

To

- 1 The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003
- 2 The Executive Engineer, Zone V
Corporation of Chennai
Basin Bridge Road, Chennai

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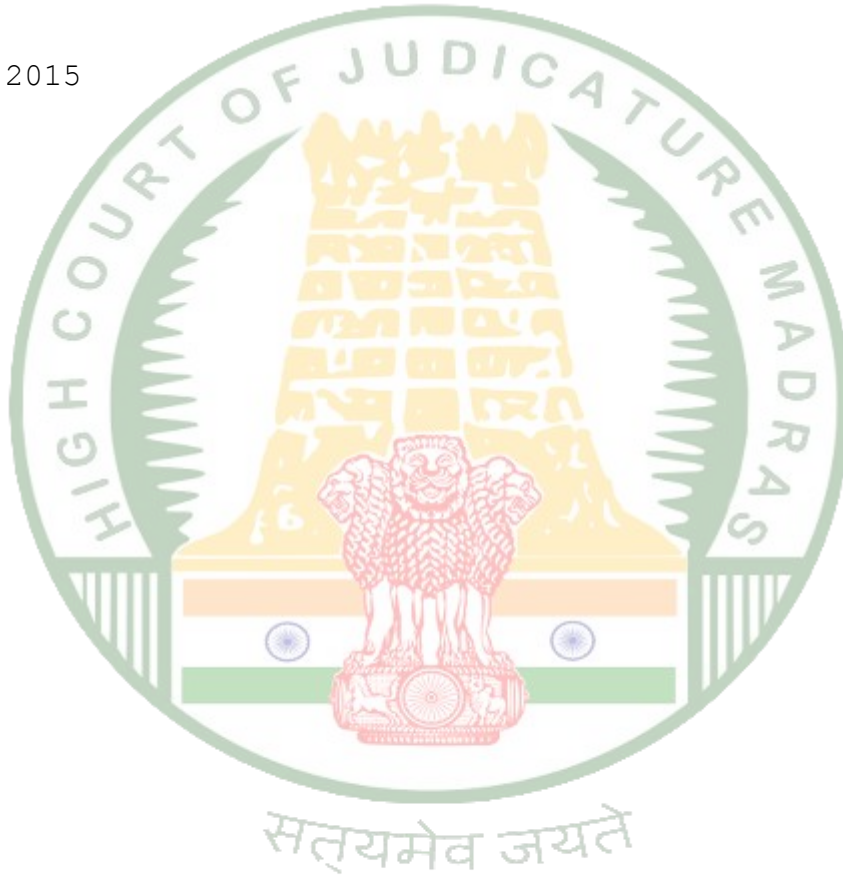
3 The Assistant Executive Engineer - Unit 14
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4 The Junior Engineer - Division 62
No.2, Adikesavan Street
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+1 cc to Mr.K.Rajasekaran, Advocate, sr.62379

W.P. No.35929 of 2015

SKV CO
kra 19.11.2015



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