

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P.No.5449 of 2015
and
M.P.Nos.1 and 1 of 2015

1.M.P.Kannaiya
2.M.P.Ponnurangam
3.M.P.Ramachandran
4.M.P.Saroja
Petitioners 1 to 4
represented by their Power Agent
A.Ravichandran ... Petitioners

Vs.

1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.
2.The Executive Engineer,
Enforcement-Region Central
Corporation of Chennai,
2nd Cross Street (East),
Pulla Avenue,
Shenoy Nagar, Chennai-600 030.
3.The Assistant Engineer,
Division No.133,
Corporation of Chennai,
Ashok Nagar,
Chennai-600 083. .. Respondents

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus to call for the records of the 2nd respondent vide Notice No.Region Central/TPENF/0010/2015, dated 8.1.2015 and quash the same and forbearing the respondents from demolishing the existing building at No.6, 22nd Street, Ashok Nagar, Chennai-600 083 pursuant to the impugned order dated 8.1.2015.

For Petitioner : Mr.A.Thiagarajan

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

Challenging the legality and validity of de-occupation notice dated 08.01.2015 (signed on 12.01.2015) issued under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, the petitioner has come up with the instant petition.

2. On perusal of the notice, it is revealed that before issuance of the impugned notice, a stop work notice was issued on 27.10.2014. Thereafter, locking and sealing and demolition notice was issued on 05.12.2014. Vide this impugned notice, the petitioner was required to comply with the planning permission granted under Section 49 of the said Act by demolishing the portion constructed in contravention with the permission. The petitioner was further granted seven days time from the date of receipt of the notice to discontinue the occupation, failing which it was stated that action will be taken under Section 56(2-A) and (5) (a) and (b) (i) and (ii) of the Act to secure compliance of the unauthorised building. The petitioner, without taking recourse to the appellate forum, as provided under the provisions of the Act, has approached this court, seeking extraordinary jurisdiction of this court under Article 226 of the Constitution of India. The petitioner has failed to establish that extraordinary ground exists, necessitating filing of this petition, taking deviation from the statutory forum route.

3. It is well settled that if a person is aggrieved by some order, he has to take recourse to the statutory forum if available before taking recourse to this jurisdiction. We do not find any merit in this case. Thus, this petition is dismissed as not maintainable, at this stage, reserving liberty to the petitioner to take recourse to the appellate statutory forum, if so advised, under the provisions of law. No costs. Consequently connected miscellaneous petitions are closed.

Sd/- सतयमेव जयते
Assistant Registrar
Dated:9.3.15

True Copy

Sub Assistant Registrar

To

1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.

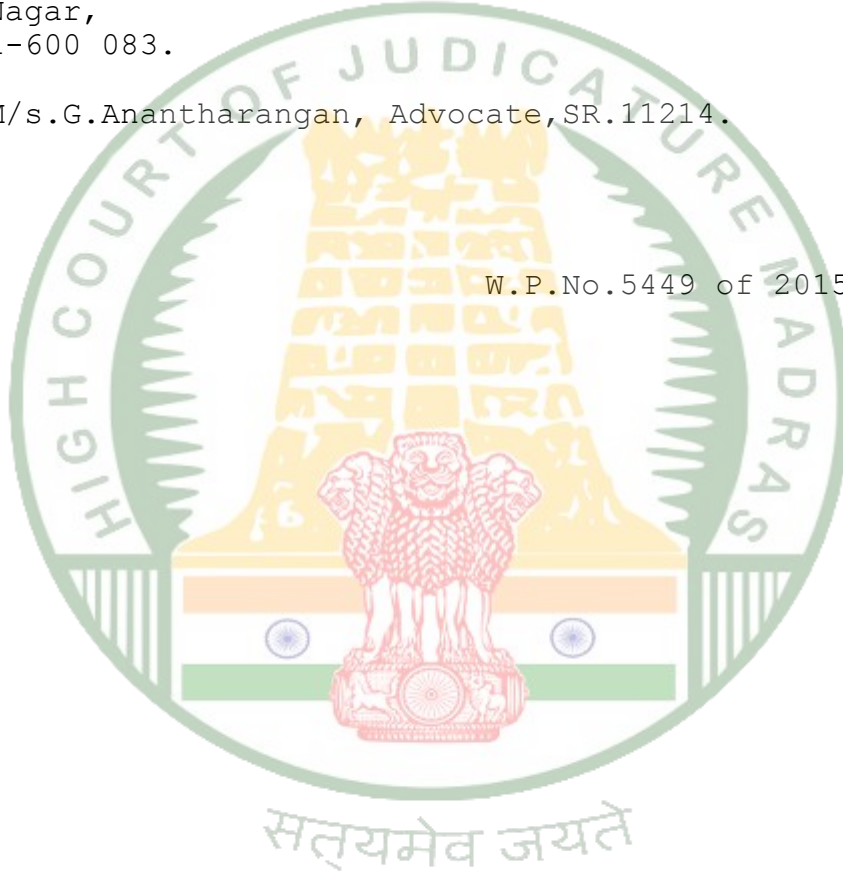
2.The Executive Engineer,
Enforcement-Region Central
Corporation of Chennai,
2nd Cross Street (East),
Pulla Avenue,
Shenoy Nagar, Chennai-600 030.

3.The Assistant Engineer,
Division No.133,
Corporation of Chennai,
Ashok Nagar,
Chennai-600 083.

+1 cc to M/s.G.Anantharangan, Advocate,SR.11214.

rsi(co)
krd 10.3

W.P.No.5449 of 2015



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