

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2016

CORAM:

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

W.P. No.13096 of 2016 and W.M.P. No.11463 of 2016

Amsaveni

... Petitioner

vs.

- 1 The Executive Engineer/TP-Enf
O/o the Regional Joint Commissioner (South)
Enforcement Cell
Corporation of Chennai
Adyar, Chennai 600 020
 - 2 The Assistant Executive Engineer
Unit 45/Zone 15
O/o the Regional Joint Commissioner (South)
Enforcement Cell
Corporation of Chennai
Adyar, Chennai 600 020
 - 3 The Assistant Engineer
Division 198/Zone 15
O/o the Regional Joint Commissioner (South)
Enforcement Cell
Corporation of Chennai
Adyar, Chennai 600 020
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records of the respondents culminating in the impugned notice issued by the respondents in Notice No.633/2015 dated 22.02.2016 and quash the same thereby forbear the respondents, their men and agents, officers, servants, men acting under them or claiming to act under them from interfering with the peaceful possession and enjoyment of the petitioner or her tenant of the property which is the subject matter of the impugned notice situated at Plot No.27, Old S.No. Survey No.2/1B3A Part, New Survey No.2/40, East Coast Road, Panaiyur, Chennai 600 119, Zone - 15.

For petitioner Mr. V. Jeevagiridharan

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

By this writ petition, the petitioner impugns the de-occupation notice dated 22 February 2016 issued by the respondents under Section 56 (2-A) and 57 of the Tamil Nadu Town and Country Planning Act, 1971 (for brevity "the Act") and further, seeks a direction forbearing the respondents from interfering with her or her tenant's peaceful possession and enjoyment of the property, which is the subject matter of the impugned notice situated at Plot No.27, Old S.No. Survey No.2/1B3A Part, New Survey No.2/40, East Coast Road, Panaiyur, Chennai 600 119.

2 It is stated by the learned counsel for the petitioner that pursuant to the locking and sealing notice dated 11 January 2016 issued by the Corporation of Chennai under Sections 56 and 57 read with Section 85 of the Act, an application under Section 80-A of the Act was preferred by the petitioner before the Government on 25 January 2016, which is still pending consideration. During the currency of the said application, the instant impugned notice has been issued by the respondents. Hence, the instant writ petition seeking the aforestated relief.

3 Be that as it may, once the dispute is pending consideration before the authority concerned in the application preferred by the petitioner under Section 80-A of the Act, it is for the petitioner to seek interim relief by filing an interlocutory application before the said authority in view of provisions of Section 80-A(3) of the Act and the said authority is competent to consider the grant of interim relief. In such view of the matter, we are not inclined to interfere with the impugned notice, at this stage.

Resultantly, the writ petition stands dismissed. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

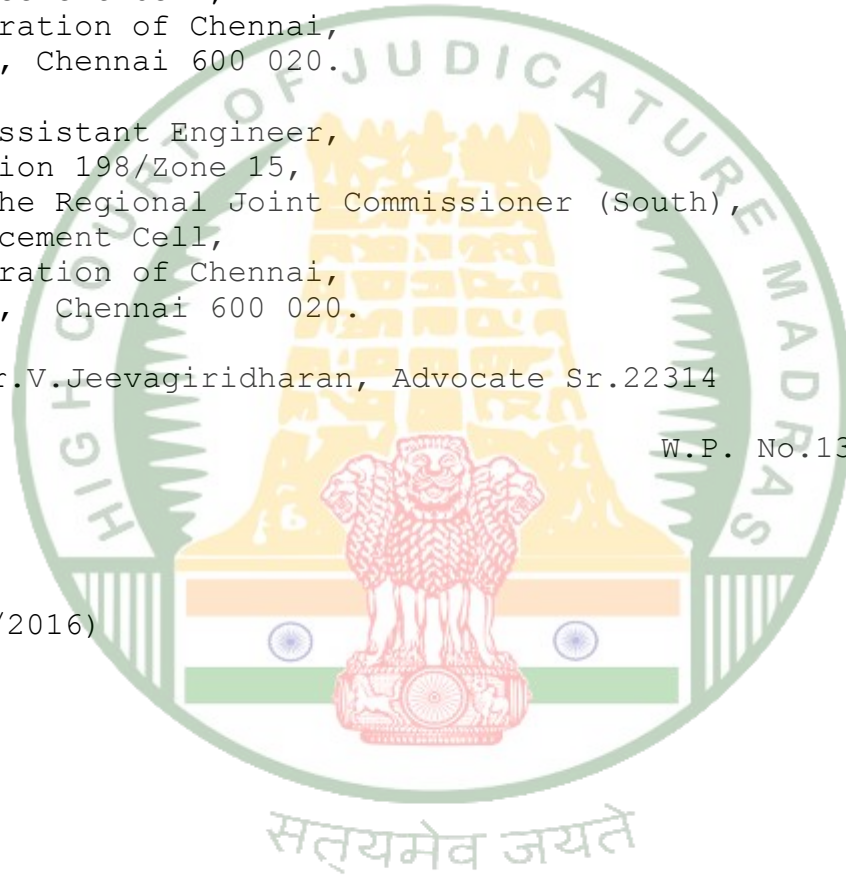
To

- 1 The Executive Engineer/TP-Enf,
O/o the Regional Joint Commissioner (South),
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Adyar, Chennai 600 020.
- 2 The Assistant Executive Engineer,
Unit 45/Zone 15,
O/o the Regional Joint Commissioner (South),
Enforcement Cell,
Corporation of Chennai,
Adyar, Chennai 600 020.
- 3 The Assistant Engineer,
Division 198/Zone 15,
O/o the Regional Joint Commissioner (South),
Enforcement Cell,
Corporation of Chennai,
Adyar, Chennai 600 020.

+1cc to Mr.V.Jeevagiridharan, Advocate Sr.22314

W.P. No.13096 of 2016

sks (CO)
srg(13/04/2016)



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