

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2016

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.P.No.1953 of 2016
and
W.M.P.Nos.1707 and 1708 of 2016

P.Manicka Selvi

... Petitioner

Vs.

1. The Corporation of Chennai
rep. by its Executive Engineer,
(Enforcement - Regional Office -
Central), 2nd Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai - 30.

2. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai - 3.

3. E.M.PR.Muthappan

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records from the first respondent's impugned Notice No.Region Central/TPENF/1134/2015 dated 04.11.2015 and quash the same and forbearing the first and second respondents from locking and sealing of the main entrance of the premises bearing Corporation Old Door No.22, New Door No.80, North Mada Street, Mylapore, Chennai - 4 in pursuance of the first respondent's impugned notice No.Region Central/TPENF/1134/2015 dated 04.11.2015.

For Petitioner : Mr.M.Kumaraswami

For Respondents : Mr.R.Arunmozhi
for R1 & R2

ORDER

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

Mr.R.Arunmozhi, learned Standing Counsel, accepts notice on behalf of respondents 1 and 2. Notice to the third respondent is dispensed with at this stage, as, no adverse order is passed against him in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Standing Counsel for the first and second respondents, the writ petition is taken up for final disposal, at the admission stage itself.

2.Questioning the correctness of the de-occupation notice dated 04 November 2015, the petitioner is before us.

3.It is the case of the petitioner that the third respondent is the owner of the building in question and the petitioner is a mere occupant of the premises on rent. Thus the notice deserves to be quashed.

4.Be that as it may, both the landlord and the occupant are required to occupy the premises, which is duly approved under the provisions of law. If the petitioner is of the view that the premises is properly approved, the effective statutory remedy is to approach the State Government under the provisions of Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971. No extraordinary circumstance has arisen to invoke the jurisdiction of this Court under Article 226 of the Constitution of India. Thus this writ petition is dismissed as not maintainable, reserving liberty to the petitioner to take recourse to the appropriate statutory forum, in accordance with law, if so advised. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Executive Engineer,
Corporation of Chennai,
Enforcement - Regional Office -
Central, 2nd Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai - 30.

2. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai - 3.

+1cc to Mr.M.Kumaraswami, Advocate, S.R.No.3446

+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.3478

W.P.No.1953 of 2016

SCD(CO)
CA(11/02/2016)



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