

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2016

CORAM

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

W.P.No.264 of 2016
and
W.M.P.No.153 of 2016

A.S.Siddique

... Petitioner

Vs.

The Member Secretary,
Chennai Metropolitan Development
Authority (Enforcement Cell),
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondent to de-sealing the building viz., Door No.1/509 A, Pallavaram, Thoraipakkam Radial Road, OMR, Okkiyam Thoraipakkam, Chennai - 97, which was locked and sealed by the respondent on 29.12.2015 without due process of law.

For Petitioner : Mr.R.Muthukumarasamy,
Sr. Counsel
for M/s.S.P.Sudalaiyandi

For Respondent : Mr.N.Sampath

ORDER

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

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2. Seeking a direction to the respondent to de-seal the building in Door No.1/509 A, Pallavaram, Thoraipakkam Radial

Road, OMR, Okkiyam Thoraipakkam, Chennai - 97, which was locked and sealed on 29 December 2015, the petitioner has come up with this writ petition.

3.It is stated by the learned senior counsel appearing for the petitioner that the petitioner's father purchased the vacant lands in S.Nos.69/5 and 69/6 situated at No.148, Okkiyam Thuraipakkam Village and a part of the land was acquired by the Government for formation of radial road. The petitioner's father constructed a commercial building in ground floor and subsequently constructed three floors for developing the business. After the demise of his father, the petitioner had obtained patta in his name and he has submitted an application dated 27 December 2001 under Regularisation Scheme. There were several correspondence between the petitioner and the respondent. While so, the respondent issued Stop work notice dated 15 July 2015, to which, the petitioner submitted a reply dated 18 July 2015 stating that the entire construction was completed as early as 1998. Thereafter, on 29 December 2015, the respondent locked and sealed the premises in question.

4.Pursuant to our notice, the respondent/Chennai Metropolitan Development Authority has filed a counter affidavit stating that the stop work notice dated 15 July 2015 was served on the petitioner and the subsequent notice sent by the respondent was returned with an endorsement 'left'.

5.Indisputably, statutory remedy under Section 80-A of the Act is available to the petitioner. There is no reason or extra-ordinary circumstance exists to invoke the jurisdiction of this Court under Article 226 of the Constitution of India bypassing the effective alternative statutory remedy provided therein.

6.Accordingly, the writ petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mmi

To

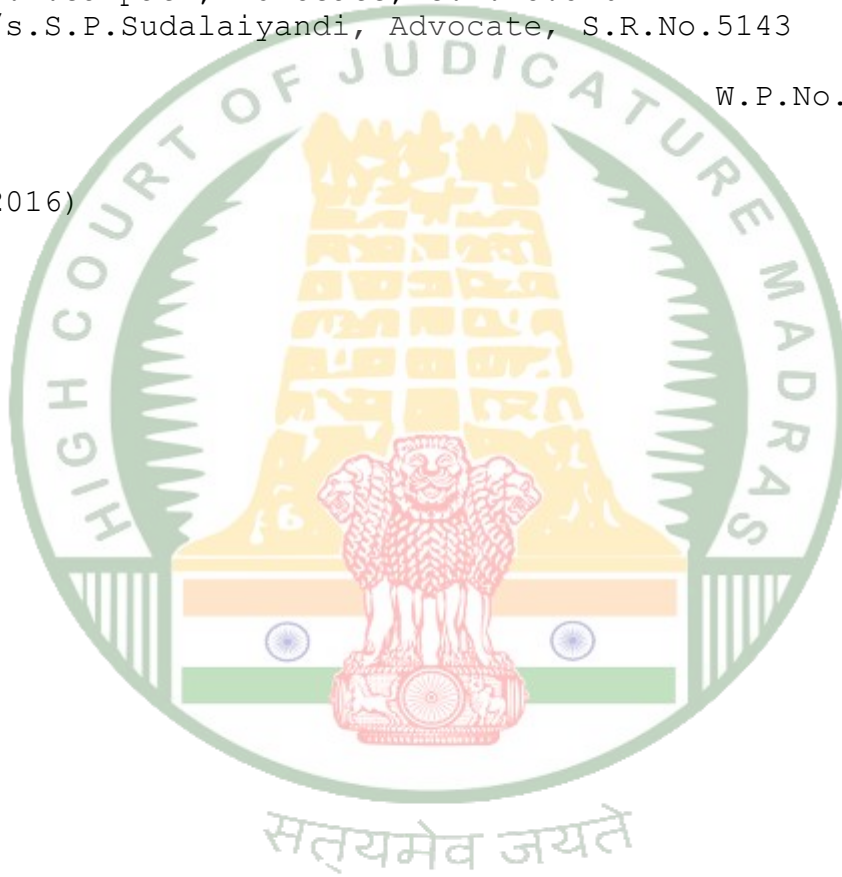
The Member Secretary,
Chennai Metropolitan Development
Authority (Enforcement Cell),
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

+lcc to Mr.N.Sampath, Advocate, S.R.No.5267

+lcc to M/s.S.P.Sudalaiyandi, Advocate, S.R.No.5143

W.P.No.264 of 2016

SV(CO)
CA(08/02/2016)



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