

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.13123/2017 & WMP.No.14099/2017

A.K.S.Hameed Sultan .. Petitioner

Vs

The Member Secretary
Chennai Metropolitan Development
Authority, No.1, Gandhi Irwin Road
Egmore, Chennai 600 008. .. Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondent to de-seal the lock and seal put up in the building in Old No.27, New No.6, Mooker Nallamuthu Street, Mannady, Chennai-1 to enable the petitioner to rectify the deviations/unauthorised constructions put up in the building.

For Petitioner	: Mr.P.G.Kumaraguru
For Respondent	: Mr.C.Johnson

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.C.Johnson, learned counsel accepts notice on behalf of the respondent.

2 Admittedly, the petitioner has been granted permission to put up a stilt + 2 floors for commercial-cum-residential purpose and on account of the alleged deviation, a lock and seal notice has been issued and it has also been put up into effect.

3 The learned counsel for the petitioner has drawn the attention of this Court to paragraph No.7 of the affidavit and would submit that there are only small deviations and if those deviations are pointed out, remedial measures/rectifications would be done and therefore, prays for de-sealing of the premises.

3 However, the learned Standing counsel appearing for the respondent would submit that the petitioner is having an effective alternate remedy under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, [hereinafter referred to as 'the Act'] and

therefore, the writ petition is not maintainable.

4 In the light of the effective alternate remedy available, this Court is of the view that the writ petition is not maintainable. However, the petitioner, if so advised, is at liberty to file a revision under section 80-A of the Act along with a petition for stay under section 80-A[3] of the said Act to the Revisional Authority and the Revisional Authority, / the Government shall entertain the same if the papers are otherwise in order and he is at liberty to take up the stay petition first or give a disposal to the main revision itself as expeditiously as possible and communicate the decision taken, to the petitioner.

5 The writ petition stands dismissed with the above observation. No costs. Consequently, the connected miscellaneous petition is also dismissed.

[M.S.N., J.] [N.S.S., J]
17.07.2017

Index : No
Internet : Yes
AP

M.SATHYANARAYANAN, J.,
AND
N.SESHASAYEE, J.,
AP

To
The Member Secretary
Chennai Metropolitan Development
Authority, No.1, Gandhi Irwin Road
Egmore, Chennai 600 008.



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