

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.16526/2017 & WMP.No.17888/2017

R.Kumar

..

Petitioner

Vs

1. Government of Tamil Nadu
rep by Secretary to Government
Housing & Urban Development Department
Secretariat, Chennai 600 009.
2. Greater Chennai Corporation
rep by Joint Commissioner
Sastri Nagar, Chennai 600 020.
3. Corporation of Chennai
rep by Executive Engineer
Zone XIII No.15, Dr.Muthulakshmi Salai
Adyar, Chennai 600 020. ... Respondents

Prayer:- Writ Petition
filed under Article 226 of the Constitution of India praying
for issuance of a Writ of mandamus directing the 2nd and 3rd
respondents to forbear them from in any way interfering with
the building put up at No.61, 15th Cross Street, Indira Nagar,
Adyar, Chennai 600 020 particularly by way of locking and
sealing and/or demolition of the same, pending final
determination of the Appeal under section 80[A] of the Act
dated 13.06.2017 by the 1st respondent in accordance with law.

For Petitioner : Mr.D.S.Rajasekaran
For R1 : Mrs.Vasudha Thiagarajan, AGP
For RR2 & 3 : Mr.V.C.Selvasekaran

ORDER

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

By consent, the writ petition is taken up for final
disposal. Mrs.Vasudha Thiagarajan, learned Additional
Government Pleader accepts notice on behalf of the 1st
respondent and Mr.V.C.Selvasekaran, learned Standing Counsel
accepts notice on behalf of the respondents 2 and 3.

2 The petitioner, apprehending that precipitative action likely to be taken during the pendency of the appeal filed under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, came forward to file the present writ petition. It is relevant to extract the details of unauthorised construction put up by the petitioner as indicated in the impugned notice dated 22.05.2017 signed by the 3rd respondent :-

Sl.No	Description	As per Approval Plan	As per Site Condition	Remark
1	Front Set Back	1.52 m	No set back	1.52m deviation
2	Side Set Back on South Side	1.52 m	No set back	1.52m deviation
3	Rear Set Back	1.52 m	No set back	1.52m deviation
4	Ground Floor Area	56.54 sq.m.	97.61 sq.m	41.07sq.m deviation
5	First Floor Area	56.54 sq.m.	97.61 sq.m	41.07sq.m deviation
6	Second Floor Area	Nil	35.02 sq.m	35.02 sq.m deviation

3 A perusal of the typed set of documents would indicate that the petitioner has already invoked the appeal remedy under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, and as per sub-section [3] of section 80-A of the Act, "the Government may pass such interim order, as they may deem fit by the exercise of powers in sub-section [1] in respect thereof."

4 In the light of the said effective alternate remedy available, this Court is of the view that the writ petition is not maintainable for the present.

5 Accordingly, the writ petition stands dismissed as not maintainable. However, the petitioner is at liberty to pursue the appeal remedy before the 1st respondent. Consequently, the connected miscellaneous petition is also dismissed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

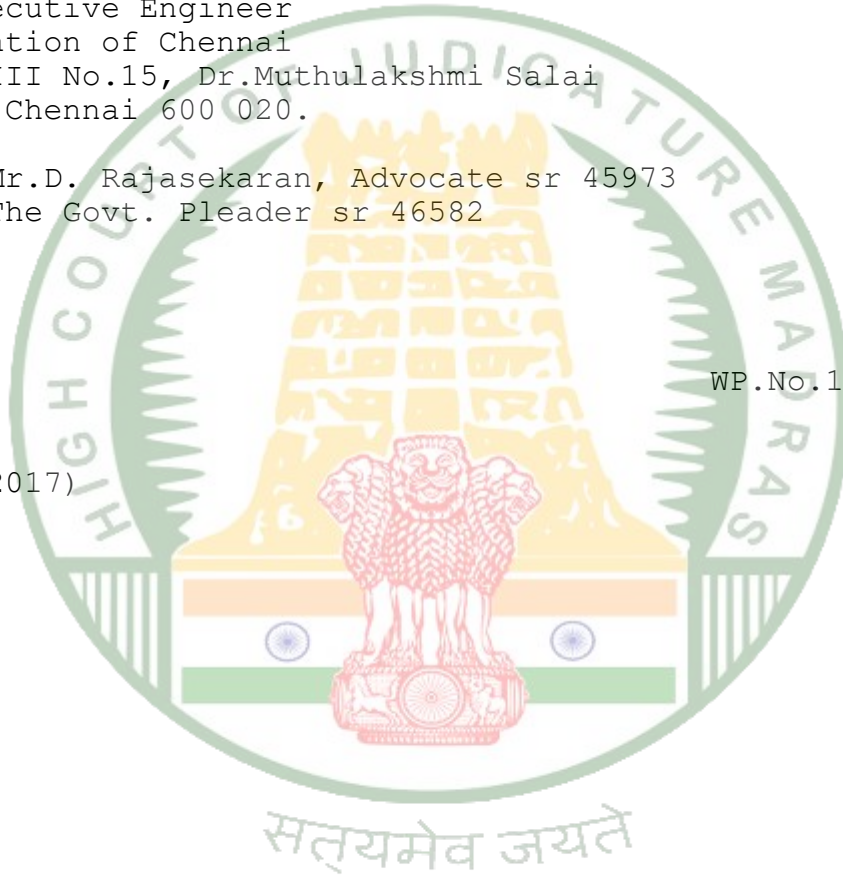
To

1. The Secretary to Government
Government of Tamil Nadu
Housing & Urban Development Department
Secretariat, Chennai 600 009.
2. The Joint Commissioner
Greater Chennai Corporation
Sastri Nagar, Chennai 600 020.
3. The Executive Engineer
Corporation of Chennai
Zone XIII No.15, Dr.Muthulakshmi Salai
Adyar, Chennai 600 020.

+1 CC to Mr.D. Rajasekaran, Advocate sr 45973
+1 CC to The Govt. Pleader sr 46582

WP.No.16526/2017

BR(CO)
sp(19/07/2017)



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