

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.31101 of 2018 &
W.M.P.No.36284 of 2018

T.Suvarna

.. Petitioner

v.

1 The Principal Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1 Gandhi Irwin Road
Egmore, Chennai-600 008

2 M/s.Jain Housing
No.98/99 Habibullah Road
T.Nagar Chennai- 600 017
Rep by its Authorized Signatory
Mr.R. Vasudevan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the 1st respondent from in anyway interfering with the petitioner's building in Hall No.13, 4th Floor, D-Block, Jains West Minster, Arunachalam Road, Saligramam, Chennai-600 090 particularly, by way of locking, sealing and demolition in pursuant to the Notice in Letter No.EC/C1/6469/2018 dated 12.10.2018.

For Petitioner : Mr.B.Janakiram
For Respondents : Mr.Karthik Rajan - for R1
Mr.Sai Sathyajith - for R2

O R D E R

(Order of the Court made by M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus forbearing the 1st respondent from in

anyway interfering with the petitioner's building in Hall No.13, 4th Floor, D-Block, Jains West Minster, Arunachalam Road, Saligramam, Chennai, particularly, by way of locking, sealing and demolition of the notice dated 12.10.2018.

2. It is the case of the petitioner that she is a tenant under the 2nd respondent and that the 1st respondent issued a Locking & Sealing and Demolition Notice dated 12.10.2018. Challenging the said notice, the petitioner has filed the above Writ Petition.

3. When the petitioner has got remedy by way of an appeal under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, to challenge the Locking & Sealing and Demolition notice, dated 12.10.2018, the present Writ Petition filed under Article 226 of the Constitution cannot be entertained. In view of the same, the Writ Petition is dismissed. It is open to the petitioner to challenge the impugned notice as per the provisions of the Tamil Nadu Town and Country Planning Act, 1971. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Rj

To

The Principal Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1 Gandhi Irwin Road
Egmore, Chennai-600 008

+1cc to Mr.Sai Sathyajith, Advocate sr.81574
+2cc to Mr.B.Janakiram, Advocate sr.no.80869(14/12/2018)
+1cc to Mr.Karthik Rajan, advocate sr.no.81188

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bs (co)
nr 13/12/2018