

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2018

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.31401 of 2018

K.Eassa

.. Petitioner

-vs-

1.The State,
rep. by its Secretary- Housing & Urban Development,
Fort St. George,
Chennai.

2.The Member Secretary - CMDA,
Thalamuthu Natarajan Building,
Egmore, Chennai - 600 008.

3.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

4.The Executive Engineer - Zone X,
Corporation of Chennai,
117, NSK Salai,
Kodambakkam,
Chennai - 600 024.

5.The Assistant Executive Engineer- Unit 31,
Corporation of Chennai,
117, NSK Salai, Kodambakkam,
Chennai - 600 024.

6.The Assistant Engineer - Division 134,
Corporation of Chennai,
117, NSK Salai,
Kodambakkam,
Chennai - 600 024.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the notice dated 08.11.2018, bearing No.10/00088/2018 issued by 4th-6th respondents together with all related records, and quash the same.

For Petitioners : Mr.S.Hameed Ismail

For Respondent : Mr.M.Elumalai
Government Advocate
for 1st respondent

Mr.A.Nagarajan
Standing Counsel
for respondents 3 to 6

Mr.Karthik Rajan
for 2nd respondent

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Heard Mr.S.Hameed Ismail, learned counsel appearing for the petitioner, Mr.M.Elumalai, learned Government Advocate appearing for the 1st respondent, Mr.Karthik Rajan, learned counsel appearing for the 2nd respondent and Mr.A.Nagarajan, learned Standing Counsel appearing for the respondents 3 to 6.

2. The petitioner has approached this Court being aggrieved by the notice dated 08.11.2018 bearing No.10/00088/2018 issued by the respondents 4 to 6 under Section 57 read with Section 85 of the Town and Country Planning Act, 1971.

3. Against the notice issued under Section 57 read with Section 85 of the Act, the petitioner has efficacious alternate remedy of preferring an appeal under Section 80A of the Town and Country Planning Act, 1971.

4. In view of the fact that the petitioner has efficacious alternate remedy against the notice issued under Section 57 of the Town and Country Planning Act, 1971, we are not inclined to interfere with the impugned notice dated 08.11.2018. It would be open to the petitioner to prefer an appeal against the said notice. In case an appeal is preferred, it shall be dealt with in accordance with law.

5. The writ petition is dismissed with above observations. No costs. Consequently, W.M.P.No.36588 of 2018 is closed.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

bbr
To

- 1.The Secretary - Housing & Urban Development,
Fort St. George, Chennai.
 - 2.The Member Secretary - CMDA,
Thalamuthu Natarajan Building,
Egmore, Chennai - 600 008.
 - 3.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.
 - 4.The Executive Engineer - Zone X,
Corporation of Chennai,
117, NSK Salai, Kodambakkam,
Chennai - 600 024.
 - 5.The Assistant Executive Engineer- Unit 31,
Corporation of Chennai,
117, NSK Salai, Kodambakkam,
Chennai - 600 024.
 - 6.The Assistant Engineer - Division 134,
Corporation of Chennai,
117, NSK Salai, Kodambakkam,
Chennai - 600 024.
- +1 CC to Mr.A.Nagarajan, Advocate sr 82309.
+1 CC to Mr.Karthik Rajan, Advocate sr 82074.
+1 CC to Mr.Hamid Ismail, Advocate sr 82018.
+1 CC to Govt. Pleader sr 82218.

सत्यमेव जयते

W.P.No.31401 of 2018

SPD(CO)
SP(30/11/2018)

WEB COPY