

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.31441 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.10/00089/2018 issued by 4<sup>th</sup>-6<sup>th</sup> respondents together with all related records, and quash the same.

For Petitioners : Mr.S.Hameed Ismail  
For Respondent : Mr.M.Elumalai  
Government Advocate  
for 1<sup>st</sup> respondent  
Mr.A.Nagarajan  
Standing Counsel  
for respondents 3 to 6  
Mr.Karthik Rajan  
for 2<sup>nd</sup> 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 1<sup>st</sup> respondent, Mr.Karthik Rajan, learned counsel for the 2<sup>nd</sup> 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.10/00089/2018 issued by the respondents 4 to 6 under Section 57 read with Section 85 of the Town and Country Planning Act, 1971.

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

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 and the petitioner is relegated to the remedy of preferring appeal. If an appeal is preferred by the petitioner, it may be dealt with in accordance with law.

5. The writ petition is dismissed. No costs. Consequently, W.M.P.No.36631 of 2018 is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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

+1cc to Mr.S.Hameed Ismail, Advocate, S.R.No.82019  
+1cc to Mr.Karthik Rajan, Advocate, S.R.No.82025  
+1cc to the Government Pleader, S.R.No.82216

W.P.No.31441 of 2018

KSK(CO)  
CS/30/11/2018

सत्यमेव जयते

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