IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAISWAMY

W.P. No.32516 of 2018 and
W.M.P.Nos.37725 & 37727 of 2018

M/s.Karan Constructions,
rep by its Authorized Signatory
Guruvan Ayyavu
No.6, Dr.Nanjuda Rao Salai,
Injambakkam, Chennai - 115. .. Petitioner

Vs.

1.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai - 3.

2.The Executive Engineer,
Zone - 15, Division - 196,
Unit - 44,
Greater Chennai Corporation,
Chennai - 3.

3.The Assistant Engineer,
Division - 196,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 3.

4.The Assistant Executive Engineer,
Unit - 44, Division - 196,
Greater Chennai Corporation,
Ripon Buildings, Chennai - 3. .. Respondents

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Petition filed under Article 226 of the Constitution of India praying for issue of Writ of certiorarified mandamus calling for the entire records pertaining to the proceedings of the respondents 2 to 4 in notice No.0086/2018 and 0087/2018 dated 27.11.2018 in issuing Stop Work Notice and the Notice of lock and Seal and Demolition Letter No.15/00073/2018 and

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15/00071/2018 dated 30.11.2018 and quash the same and consequently, direct the respondents to consider the representation along with the documents of the petitioner dated 30.11.2018 and inspect the same, verifying with the construction made by this petitioner removing the lock and seal in premises in Plot No.A & B in Old S.F.No.13/6B, New S.F.No.13/14A1C, A1E, A1D, A1B, A1A, 7A1A1A.

For Petitioner : Ms.P.Bagyalakshmi

For Respondents : Mr.R.Arunmozhi (R1 to R4)

O R D E R

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

The petitioners have filed the above Writ Petition to issue a Writ of certiorarified mandamus calling for the entire records pertaining to the proceedings of the respondents 2 to 4 in notice No.0086/2018 and 0087/2018 dated 27.11.2018 in issuing Stop Work Notice and the Notice of lock and Seal and Demolition Letter No.15/00073/2018 and 15/00071/2018 dated 30.11.2018 and quash the same and consequently, direct the respondents to consider the representation along with the documents of the petitioner dated 30.11.2018 and inspect the same, verifying with the construction made by this petitioner removing the lock and seal in premises in Plot No.A & B in Old S.F.No.13/6B, New S.F.No.13/14A1C, A1E, A1D, A1B, A1A, 7A1A1A.

2.It is the case of the petitioner that the respondents issued Stop Work Notice on 27.11.2018, giving three days time to the petitioner to submit all the documents to establish that there is no deviation to the approved plan and the construction is authorized. According to the petitioner, they submitted their reply on 30.11.2018. On the same day, the respondents issued the Lock and Seal and Demolition Notice dated 30.11.2018. Challenging the same, the petitioner has filed the Writ Petition.

3.Since the petitioner has got remedy by way of an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, the Writ Petition filed against the Lock and Seal and Demolition Notice cannot be entertained. The petitioner has filed the Writ Petition without exhausting the alternative remedy available to them. Therefore, we are not inclined to entertain the Writ Petition. The Writ Petition is dismissed. However, it is open to the petitioner to challenge the Lock and Seal and Demolition Notice issued under Sections 56(1) and 57

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read with Section 85 of the Tamil Nadu Town and Country Planning Act before the Appellate Authority under Section 80-A of the Act. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

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To

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Unit - 44, Division - 196,
Greater Chennai Corporation,
Ripon Buildings, Chennai - 3.

+1cc to Mr.R.Arunmozhi, Advocate SR.No.83930

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CA(CO)
GMY(20/12/2018)

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