

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2018

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.34127 of 2018

P.Sankara Courtalam

.. Petitioner

Vs.

1.Chennai Metropolitan Development Authority,
rep. by its Member Secretary,
Egmore, Chennai - 600 008.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.

3.The Executive Engineer,
Corporation of Chennai,
Zonal Office - XIII,
Chennai - 600 020.

4.The Assistant Engineer,
Unit - 40, Corporation of Chennai,
Zonal Office - XIII,
Chennai - 600 020.

5.The Assistant Engineer,
Division - 175,
Corporation of Chennai,
Zonal Office - XIII,
Chennai - 600 020.

6.Kodilingam

7.M/s.VJS Associates,
rep. by its Partner M.N.Vijayanathan,
Having office at
No.10/3A, Fifth street, Nandanam Extension,
Nandanam, Chennai - 600 035. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by respondents 3 to 5 in Notice No.Z.O.13/U40/AEE/69/2017 dated 07.12.2018 and quash the same and forbear the respondents from taking any enforcement action of locking, sealing or demolition of the premises at bearing Old Door No.40, New Door No.99, Kamaraj Avenue, Second Street, Adyar, Chennai-600 020.

For Petitioner : Ms.Fidelia

For Respondents: Mr.Karthick Rajan
for 1st respondent

Mr.V.C.Selvasekaran
for respondents 2 to 5

O R D E R

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

The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus calling for the records in relation to the de-occupation notice dated 07.12.2018 issued under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 and quash the same.

2. According to the petitioner, he and his wife have purchased the property viz., flat with plinth area of 1500 square feet and a UDS measuring 712.50 square feet in the second floor at Old Door No.40, New Door No.99, Kamaraj Avenue, Second Street, Adyar, Chennai-600 020 from respondent No.6.

3. The learned counsel appearing for the petitioner submitted that the impugned de-occupation notice has been issued in the name of respondent No.6 and the petitioner is aggrieved by the impugned notice dated 07.12.2018.

4. The petitioner has filed the present writ petition without filing an appeal before the Appellate Authority under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971. Since the petitioner is the aggrieved person, he can very well file appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 challenging the impugned de-occupation notice dated 07.12.2018.

5. Since the petitioner has filed the present writ petition without exhausting the alternate remedy by way of an appeal before the Appellate Authority, we are not inclined to entertain the writ petition.

6. Accordingly, the writ petition is dismissed. No costs. Consequently, connected W.M.P.Nos.39651 and 39652 of 2018 are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai - 600 008.

2.The Commissioner,
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Ripon Buildings,
Chennai - 600 003.

3.The Executive Engineer,
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Corporation of Chennai,
Zonal Office - XIII,
Chennai - 600 020.

+1cc to M/S.M.V.Vijaya Baskar, Advocate Sr.88783

W.P.No.34127 of 2018

srg 21/12/2018