

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.19691 of 2009

P.THANGAPANDIAN

.. Petitioner

Vs

THE CHIEF EXECUTIVE OFFICER
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
GANDHI IRWIN ROAD
EGMORE, CHENNAI - 600 008.

.. Respondent

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records from the respondent and quashing the Notice No.M1/6493/2009, dated 08.09.2009 issued to the petitioner in respect of the petitioner's property in Old No.3/118A, New No.4/243, Kamarajar Salai, Manjambakkam, Ambattur Taluk, Thiruvallur District, as the same is unconstitutional, arbitrary, illegal and against principles of law.

For Petitioner : Mr.N.R.Anantha Rama Krishnnan

For Respondent : Mr.P.S.Ganesh

ORDER

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

Challenging the notice dated 8.9.2009 issued under the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975 for evicting the petitioner, he has filed the above writ petition.

2. On a perusal of the impugned notice dated 8.9.2009, it is seen that the respondent had issued the notice under the said Act for the alleged encroachment of 2.93 Acres. When a notice is issued under Section 5 of the Act, the petitioner has got an efficacious remedy by way of an appeal under Section 9 of the

Act before the learned District Judge. The petitioner has filed the writ petition without exhausting the alternate remedy of filing an appeal under Section 9 of the Act. Hence, we are not inclined to entertain the writ petition. However, it is open to the petitioner to challenge the impugned notice dated 8.9.2009 under Section 9 of the Act before the learned District Judge.

With these observations, the writ petition is dismissed. The Registry is directed to return the original impugned notice dated 8.9.2009 to the learned counsel for the petitioner to enable him to file an appeal. It is open to the petitioner to raise all the issues raised in this writ petition in the appeal to be filed before the learned District Judge. No costs. Consequently, M.P.No.1 of 2009 is closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

sasi

To:

THE CHIEF EXECUTIVE OFFICER
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
GANDHI IRWIN ROAD
EGMORE, CHENNAI - 600 008.

Copy To

THE SECTION OFFICER,
ER SECTION (WRIT)
HGIH COURT,MADRAS
(To return the original after
replacing the same with a Xerox)

+2cc to Mr.N.R.Anantha Rama Krishnnan, Advocate SR.No.69312
(21/08/2019)

W.P.No.19691 of 2009

GMV (16/08/2019)