

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.4626 of 2019
and W.M.P.No.5236 of 2019

M/s.Keshav Chats
Rep. by its Proprietor,
Keshav Dubey. ... Petitioner

-vs-

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Dept.,
Fort St. George, Chennai 600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
Chennai 600 003.
- 3.The Executive Engineer,
Zone V, Corporation of Chennai,
105, Basin Bridge Road,
Chennai 600 079.
- 4.The Assistant Executive Engineer,
Unit 14, Corporation of Chennai,
105, Basin Bridge Road,
Chennai 600 079.

5.Hamuk M.Shah ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the entire records of the 3rd and 4th respondents in Notice No.Dn.58/10-07/2019 dated 23.01.2019 issued to the petitioner to Lock and Seal his shop situated in No.88, Vepery High Road, Vepery, Chennai 600 007 and quash the same.

For Petitioner : Mr.K.A.Ravindran

For Respondents : Mr.V.Jayaprakash Narayanan,
Govt. Pleader (i/c.) for R-1
: Mr.V.C.Selvasekaran,
Stdg. Counsel, for RR 2 to 4

* * * * *

O R D E R

(Order of the Court was made by Mr.Duraiswamy, J.)

Heard the learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c.) for respondent no.1 and Mr.V.C.Selvasekaran, learned Standing Counsel for respondent nos.2 to 4.

2.The petitioner has challenged the Locking and Sealing notice issued under Section 56(2) Sub-Clause (iii) and (2A) of the Tamil Nadu Town and Country Planning Act, 1971, dated 23.01.2019. When the an efficacious alternate remedy is available to the petitioner under Section 80-A of the said Act, without resorting to the alternate remedy, the petitioner has filed this writ petition. In such circumstances, we are not inclined to entertain the writ petition.

3.The learned counsel appearing for the petitioner submitted that he is restricting his prayer to direct the first respondent to dispose of the appeal filed on 23.05.2017 challenging the Locking and Sealing notice issued under the said Act dated 09.05.2017, at an early date.

4.The learned Government Pleader (i/c.) has produced a letter dated 01.03.2019 sent to the Government Advocate by the Additional Secretary, Housing and Urban Development Department, Chennai, to the effect that the appeal dated 23.05.2017 would be disposed of within a period of two months. Further, the learned counsel appearing for the petitioner submitted that the petitioner would pursue the appeal dated 23.05.2017 before the first respondent.

For the reasons stated above, we do not find any reason to keep the writ petition pending. Accordingly, the writ petition is closed. No costs. Consequently, W.M.P.No.5236 of 2019 is also closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sra

To

1.The Secretary to Govt. of Tamil Nadu,
Housing and Urban Development Dept.,
Fort St. George, Chennai 600 009.

2.The Commissioner,
Greater Chennai Corporation,
Chennai 600 003.

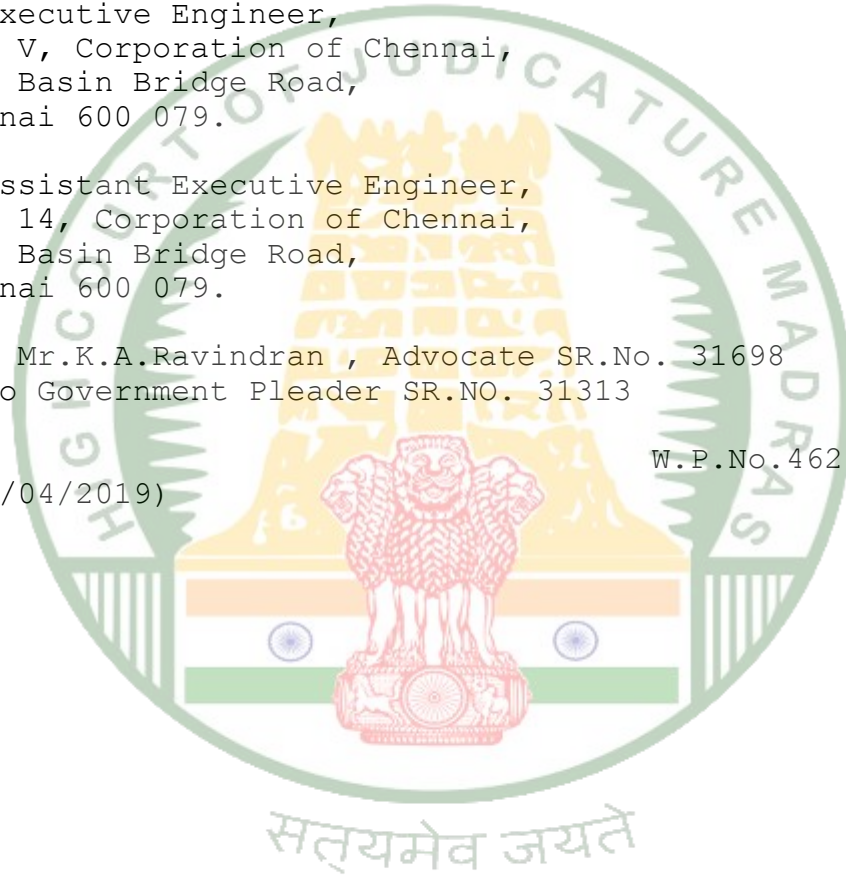
3.The Executive Engineer,
Zone V, Corporation of Chennai,
105, Basin Bridge Road,
Chennai 600 079.

4.The Assistant Executive Engineer,
Unit 14, Corporation of Chennai,
105, Basin Bridge Road,
Chennai 600 079.

+1cc to Mr.K.A.Ravindran , Advocate SR.No. 31698
+1 cc to Government Pleader SR.NO. 31313

W.P.No.4626 of 2019

A.SK(24/04/2019)



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