

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.10957 of 2019
and W.M.P.Nos.11390 and 11393 of 2019

R.Viji

.. Petitioner

-vs-

- 1.The Commissioner,
Corporation of Chennai,
Ribbon Building, Park Town,
Chennai-600 003.
- 2.The Assistant Engineer - Division 96,
Corporation of Chennai, Zone-VIII,
2nd Cross Street (East), Pulla Avenue,
Shenoy Nagar, Chennai-600 030.
- 3.The Assistant Executive Engineer - Unit 21,
Corporation of Chennai, Zone-VIII,
2nd Cross Street (East), Pulla Avenue,
Shenoy Nagar, Chennai-600 030.
- 4.The Executive Engineer-Zone 8,
Corporation of Chennai, Zone-VIII,
2nd Cross Street (East), Pulla Avenue,
Shenoy Nagar, Chennai-600 030. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of the respondents No.2 to 4 in their proceedings No.Zone 8/TPENF/Ward-96/352/2019 dated 26.03.2019 and quash the same as the same is issued without appreciation of facts on merits.

For Petitioner : Mr.S.Senthilnathan

For Respondents : Dr.C.Ravichandran
Stdg. Counsel

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O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Heard the learned counsel for the petitioner and Dr.C.Ravichandran, learned Standing Counsel appearing for the respondents.

2.The petitioner has approached this Court being aggrieved by the notice dated 26.03.2019 issued to him in relation to alleged unauthorised construction put up by him at No.12, Palayakara Street, 2nd Lane, Ayanavaram, Chennai 600 023. The said notice, which is a locking and sealing and demolition notice, is under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971. The prayer of the petitioner is that the said notice be quashed.

3.As the notice has been issued under Sections 56 and 57 read with 85 of the said Act, there is an alternate efficacious remedy of preferring an appeal under Section 80-A of the said Act. There is also a provision for preferring an application for stay.

4.In this view of the matter, we are not inclined to interfere and the petitioner is relegated to the remedy of preferring an appeal under Section 80-A of the said Act and if advised, the petitioner can prefer an application for stay in the said appeal.

5.The learned counsel for the petitioner states that the petitioner will prefer the appeal along with stay application within a period of two weeks. The said statement is recorded.

The writ petition is disposed of with the above observation. No costs. Consequently, W.M.P.Nos.11390 and 11393 of 2019 are closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Commissioner,
Corporation of Chennai, Ribbon Building,
Park Town, Chennai-600 003.

2.The Assistant Engineer - Division 96,
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4.The Executive Engineer-Zone 8,
Corporation of Chennai, Zone-VIII,
2nd Cross Street (East), Pulla Avenue,
Shenoy Nagar, Chennai-600 030.

+1 CC to Mr.C.Ravichandran, Advocate sr 35658.

+1 CC to Mr.S.Senthilnathan, Advocate sr 35677.

W.P.No.10957 of 2019

LN(CO)
SP(13/05/2019)



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