

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.10980 of 2019
and W.M.P.No.11420 of 2019

B.R.Srinivasa Rao ... Petitioner

-vs-

- 1.The Secretary to Government,
Housing and Urban Development Dept.,
Secretariat, Chennai 600 009.
- 2.The Commissioner,
Greater Chennai City Municipal Corporation,
Ripon Buildings, Chennai 600 030.
- 3.The Assistant Executive Engineer/U.21,
Greater Chennai Corporation Zonal
Office-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 Certiorarified Mandamus to call for the records of respondents 2 and 3 bearing the Notice No.Zone VIII/TPENF/C.No.443/2019 dated 20.03.2019, quash the same and also direct the 1st respondent or his delegated authority to pass orders in the stay petition pending disposal of appeal/revision covered by letter No.15999/UD/H/2018-1 dated 04.03.2019.

For Petitioner : Mrs.G.Devi
for Mr.V.S.Suresh

For Respondents : Mr.S.Kamalesh Kannan
Govt. Advocate for R-1
: Mr.V.C.Selvasekaran
Stdg. Counsel for RR 2 and 3

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 Mr.S.Kamalesh Kannan, learned Government Advocate, takes notice on behalf of respondent no.1 and Mr.V.C.Selvasekaran, learned Standing Counsel appearing for respondent nos.2 and 3.

2.The petitioner has approached this Court being aggrieved by the notice dated 20.03.2019 issued to him in relation to alleged unauthorised /deviated construction put up by him at Door No.36, Ponnaiyandur Street, Villivakkam, Chennai 600 049. 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.No.11420 of 2019 is closed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

sra

To

- 1.The Secretary to Government,
Housing and Urban Development Dept.,
Secretariat, Chennai 600 009.
- 2.The Commissioner,
Greater Chennai City Municipal Corporation,
Ripon Buildings, Chennai 600 030.
- 3.The Assistant Executive Engineer/U.21,
Greater Chennai Corporation Zonal
Office-VIII, 2nd Cross Street (East),
Pulla Avenue, Shenoy Nagar, Chennai 600 030.

+1cc to Mr.V.S.Suresh, Advocate SR.No.36186

+1cc to Government Pleader SR.No.36254

W.P.No.10980 of 2019

SSD(CO)
GMY(07/05/2019)



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