

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2019

CORAM :

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

AND

THE HON'BLE MR.JUSTICE M.DURAISWAMY

W.P. No.18150 of 2019
and
W.M.P.No.17521 of 2019

D.S.Kumari

.. Petitioner

-Vs-

1. Greater Chennai Corporation,
Rep. by Executive Engineer, Zone V,
Sowcarpet, Chennai 600 079.
2. Member-Secretary,
Chennai Metropolitan Development
Authority, Thalamuthu-Natarajan
Building, No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
3. Government of Tamilnadu,
Rep. by Secretary, Housing & Urban
Development Dept., Fort St. George,
Chennai 600 009.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records in Letter No.05/04384/2019 dated 03.04.2019 on the file of the 1st respondent herein and quash the same and direct the respondents 1 and 2 to regularize the building situated at No.28 (12) Erulappan Street, Sowcarpet, Chennai 600 079, on receipt of the necessary amount, if any, towards regularization fees.

For Petitioner

: Mr.S.Sadasharam

For Respondent

: Dr.C.Ravichandran,
Stdg. Counsel, for R-1
: Mr.Karthik Rajan
Stdg. Counsel for R-2
: Mr.V.Jayaprakash Narayanan
Govt. Pleader (i/c.) for R-3

ORDER

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

Heard the learned counsel for the petitioner, Dr.C.Ravichandran, learned Standing Counsel appearing for respondent no.1, Mr.Karthik Rajan, learned Standing Counsel appearing for respondent no.2 and Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c.) appearing for respondent no.3.

2.The case of the petitioner is that a lock & seal and demolition notice dated 03.04.2019 has been issued to the petitioner under Section 57 read with 85 of the Tamilnadu Town and Country Planning Act, 1971, in relation to her premises which is situated at No.28 (12), Irulappan Street, Sowcarpet, Chennai-79. The prayer of the petitioner is that the said notice be quashed.

3.As against the notice under Section 57 read with 85 of the said Act, there is an efficacious remedy of preferring an appeal under Section 80-A of the said Act.

4.In view of the fact that there is an efficacious alternate remedy available to the petitioner, we are not inclined to entertain this writ petition and the petitioner is relegated to the remedy of preferring an appeal against the said notice.

The writ petition is disposed of with the above observation. No costs. Consequently, W.M.P.No.17521 of 2019 is closed.

sra

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Executive Engineer,
Greater Chennai Corporation,
Zone V, Sowcarpet, Chennai 600 079.

2. The Member-Secretary,
Chennai Metropolitan Development
Authority, Thalamuthu-Natarajan
Building, No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

3. The Secretary to Govt. of Tamilnadu,
Housing & Urban Development Dept.,
Fort St. George, Chennai 600 009.

+1cc to Mr.S.Sadasharan, Advocate, SR.No.54416/19
+1cc to Mr.Karthik Rajan, Advocate, SR.No.54684/19
+1cc to Dr.C.Ravichandran, Advocate, SR.No.54685/19

W.P.No.18150 of 2019

Kak(02/07/2019)



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