

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2019

CORAM :

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

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.Nos.18334 and 18343 of 2019

Dinesh Jain

... Petitioner in
WP.No.18334/2019

Mahaveer Jain

.. Petitioner in
WP.No.18343/2019

-vs-

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.
- 2.The Assistant Engineer,
Div. 057,
Greater Chennai Corporation,
No.105, Basin Bridge Road,
Chennai - 600 079.
- 3.The Executive Engineer,
Zone 5, Greater Chennai Corporation,
No.105, Basin Bridge Road,
Chennai - 600 079.
- 4.The Assistant Executive Engineer,
Greater Chennai Corporation,
No.105, Basin Bridge Road,
Chennai - 600 079.
- 5.Sri Jain Swetamber Terapanthi Trust Board,
rep. by its Managing Trustee,
Gokul Chand Bhandari,
No.34, Mangappan Street,
Sowcarpet, Chennai - 600 079.

.. Respondents in
both WPs.

Both WP Prayer:

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records on the file of the 2 to 4 respondents in their letter No.05/03962/2019 dated 25.05.2019 relating to Ground Floor Door No.34, Mangappan Street, Chennai-79 and quash the same as illegal, unlawful and arbitrary.

For Petitioners : Mr.S.Venkatesh
For Respondents : Mr.V.C.Selvasekaran
for respondent Nos.1 to 4

COMMON ORDER

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

Heard Mr.S.Venkatesh, learned counsel for the petitioners and Mr.V.C.Selvasekaran, learned counsel for respondent Nos.1 to 4.

2. The petitioners have prayed for quashing of the de-occupation notices dated 25.05.2019 issued in relation to the property in which they are residing. The said property is situated at Door No.34, Ground Floor, Mangappan Street, Chennai-79.

3. As against the de-occupation notices dated 25.05.2019 issued under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, there is an efficacious alternate remedy of preferring appeals under Section 80-A of the said Act.

4. In view of the fact that the petitioners have efficacious alternate remedy of preferring appeals under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, we are not inclined to entertain the writ petitions. It would be open to the petitioners to prefer appeals under Section 80-A of the said Act as against the impugned de-occupation notices.

5. With these observations, the writ petitions are disposed of. No costs. Consequently, W.M.P.Nos.17685, 17686, 17691 and 17694 of 2019 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner,
Greater Chennai Corporation,
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Chennai - 600 003.

2.The Assistant Engineer,
Div. 057,
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3.The Executive Engineer,
Zone 5, Greater Chennai Corporation,
No.105, Basin Bridge Road,
Chennai - 600 079.

4.The Assistant Executive Engineer,
Greater Chennai Corporation,
No.105, Basin Bridge Road,
Chennai - 600 079.

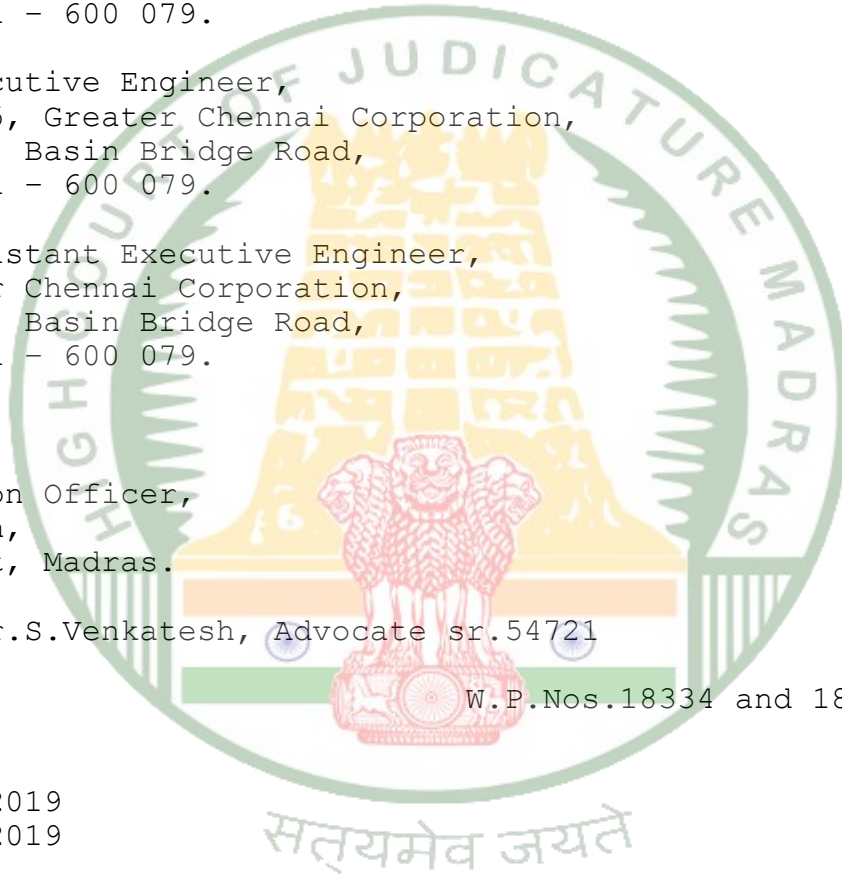
Copy to:

The Section Officer,
ER Section,
High Court, Madras.

+1cc to Mr.S.Venkatesh, Advocate sr.54721

W.P.Nos.18334 and 18343 of 2019

pp(co)
nr 25/07/2019
nr 18/09/2019



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