

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.23691 of 2019

M.Ganesan

... Petitioner

-vs-

1. Executive Engineer,
Corporation of Chennai,
Zonal Office-Zone-08,
2nd Cross Street (East)
Pulla Avenue,
Shenoy Nagar,
Chennai - 600 030.

2. Joint Engineer,
Corporation of Chennai,
Zonal Office-Zone-08,
2nd Cross Street (East)
Pulla Avenue,
Shenoy Nagar,
Chennai - 600 030.

3. Assistant Executive Engineer,
Corporation of Chennai,
Zonal Office-Zone-08,
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 pertaining to the De-occupation notice issued under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 vide No.Zone-VIII/TPENF/001/2016 dated 12.08.2016 and quash the same.

For Petitioner : Mr.S.V.Ramamurthy

For Respondents : Dr.C.Ravichandran

ORDER

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

Heard Mr.S.V.Ramamurthy, learned counsel for the petitioner and Dr.C.Ravichandran, learned counsel for the respondents.

2. The petitioner has filed the writ petition seeking to quash the de-occupation notice dated 12.08.2016 issued under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971. The said notice pertains to the unauthorized building at Door No.370E, 14th Street, Baba Nagar, Villivakkam, Chennai-600 049.

3. As against the de-occupation notice issued under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, the petitioner has an efficacious alternate remedy of preferring an appeal under Section 80A of the said Act. The petitioner has not exhausted the alternate remedy.

4. Since the petitioner has efficacious alternate remedy, we are not inclined to quash the impugned de-occupation notice dated 12.08.2016. It would be open to the petitioner to challenge the said notice by preferring an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971.

5. In view of the above, the writ petition is dismissed. No costs. Consequently, W.M.P.No.23546 of 2019 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

bbr

To:

1. The Executive Engineer,
Corporation of Chennai,
Zonal Office-Zone-08,
2nd Cross Street (East)
Pulla Avenue,
Shenoy Nagar,
Chennai - 600 030.

2. The Joint Engineer,
Corporation of Chennai,
Zonal Office-Zone-08,
2nd Cross Street (East)
Pulla Avenue,
Shenoy Nagar,
Chennai - 600 030.

3. The Assistant Executive Engineer,
Corporation of Chennai,
Zonal Office-Zone-08,
2nd Cross Street (East)
Pulla Avenue,
Shenoy Nagar,
Chennai - 600 030.

+1 cc to Dr.C.Ravichandran, Advocate, S.R.No.69949

+1 cc to M/s.S.V.Ramamurthy, Advocate, S.R.No.69573

W.P.No.23691 of 2019

RGN(CO)
SSM(09/09/2019)

सत्यमेव जयते

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