

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.22168 of 2019
and W.M.P.No.21443 of 2019

S.Saranraj

.. Petitioner

-vs-

- 1.The Greater Chennai Corporation,
rep. by its Commissioner,
Ripon Buildings, Chennai 600 003.
- 2.The Executive Engineer,
Zone-III, Greater Chennai Corporation,
No.1, Thattankulam Street, Bazaar Road,
Madhavaram, Chennai 600 060.
- 3.The Assistant Executive Engineer,
Greater Chennai Corporation, Zone-III, Unit-7,
No.1, Thattankulam Street, Bazaar Road,
Madhavaram, Chennai 600 060.
- 4.The Assistant Engineer,
Greater Chennai Corporation, Zone-III,
Division-27, Unit-7, No.1, Thattankulam
Street, Bazaar Road, Madhavaram,
Chennai 600 060.

.. 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 the impugned letter dated 16.07.2019 in Z.O.III.C.No.62/1/2019 on the file of the 2nd respondent and to quash the same and to direct the respondents to initiate fresh enforcement action by issuing notice to the petitioner as per the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.S.Santhan
For Respondents : Mr.V.C.Selvasekaran
Stdg. Counsel

O R D E R

(Order of the Court was made by M.DURAI SWAMY, J.)

The petitioner has filed the above writ petition to issue writ of Certiorarified Mandamus to call for the records of the impugned letter dated 16.07.2019 on the file of the 2nd respondent and to quash the same and to direct the respondents to initiate fresh enforcement action by issuing notice to the petitioner as per the Tamil Nadu Town and Country Planning Act, 1971.

2.It is the case of the petitioner that the impugned communication dated 16.07.2019 has been issued in the name of his father, Thiru.Shanmugam and that the second respondent also issued a lock and seal notice dated 04.10.2018 and a de-occupation notice dated 05.12.2018 to his father. Hence, the petitioner had no occasion to challenge the same as per the provisions of the Town and Country Planning Act, 1971.

3.In spite of the fact that the impugned communication dated 16.07.2019 has been issued in the name of the petitioner's father, the petitioner chose to file the writ petition challenging the same. That being the case, the petitioner should have also challenged the locking and sealing notice dated 04.10.2018 as well as the de-occupation notice dated 05.12.2018 as per the provisions of the Tamil Nadu Town and Country Planning Act, 1971.

4.When the petitioner has got a remedy by way of an appeal under Section 80-A of the said Act, the present writ petition cannot be entertained. However, we make it clear that it is open to the petitioner to challenge the notices issued by the second respondent as per the provisions of the Act.

The writ petition is, accordingly, dismissed. No costs. Consequently, WM.P.No.21443 of 2019 is also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sra

To

1.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai 600 003.

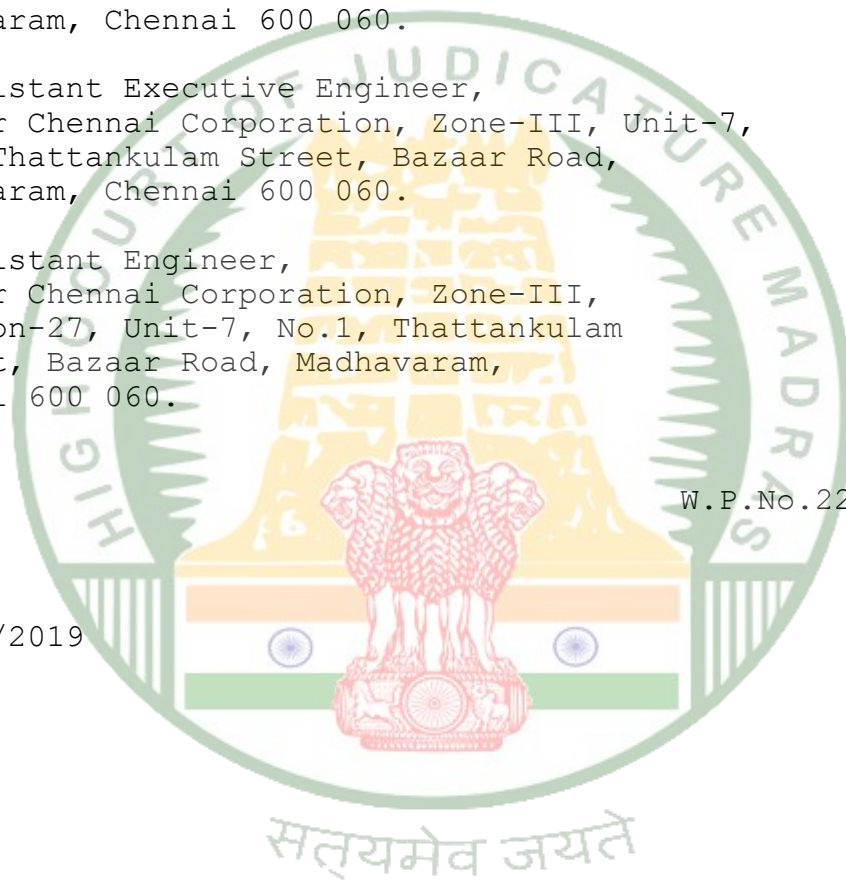
2.The Executive Engineer,
Zone-III, Greater Chennai Corporation,
No.1, Thattankulam Street, Bazaar Road,
Madhavaram, Chennai 600 060.

3.The Assistant Executive Engineer,
Greater Chennai Corporation, Zone-III, Unit-7,
No.1, Thattankulam Street, Bazaar Road,
Madhavaram, Chennai 600 060.

4.The Assistant Engineer,
Greater Chennai Corporation, Zone-III,
Division-27, Unit-7, No.1, Thattankulam
Street, Bazaar Road, Madhavaram,
Chennai 600 060.

W.P.No.22168 of 2019

spd[col]
srg 28/08/2019



WEB COPY