

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.23290 of 2019

M.Kamala Kannan

... Petitioner

-vs-

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Secretariat,
Chennai - 600 009.
- 2.The Executive Engineer,
Zone-VIII, Greater Chennai Corporation,
No.36-B, Pulla Avenue,
Shenoy Nagar,
Chennai - 600 030.
- 3.The Assistant Executive Engineer,
Unit - 23, Zone - VIII, Greater Chennai Corporation,
No.1, Temple Street,
Kilpauk Garden,
Chennai - 600 010.
- 4.The Junior Engineer,
TANGEDCO,
Operation and Maintenance,
Chetpet, Chennai - 600 031.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records of the impugned rejection orders passed by the 2nd respondent vide W.D.C.No.T.P.PPA/WDCN08/01990/2019, dated 03.05.2019 and to quash the same and consequently forbear the respondents 2 to 4 their men, agents, subordinates or anyone acting under them from locking and sealing or disconnecting the electricity service at New No.79, Old Door No.22, Mangalapuram 1st Street, Chetpet, Chennai-600 031.

For Petitioner : Mr.S.Santhan

For Respondents : Mr.S.N.Parthasarathi
Government Advocate
for respondent No.1

Mr.V.C.Selvasekaran
for respondent Nos.2 and 3

ORDER

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

Heard Mr.S.Santhan, learned counsel for the petitioner; Mr.S.N.Parthasarathi, learned Government Advocate for respondent No.1 and Mr.V.C.Selvasekaran, learned counsel for respondent Nos.2 and 3.

2. The petitioner has preferred this petition against the rejection order dated 03.05.2019 passed by respondent No.2, rejecting his application for planning permission under Section 49 of the Tamil Nadu Town and Country Planning Act, 1971.

3. As against the rejection order passed by respondent No.2, the petitioner has an efficacious alternate remedy of preferring an appeal under Section 79 of the said Act. The petitioner has not exhausted the appeal remedy, instead he has approached this Court.

4. Since the petitioner has efficacious alternate remedy, we are not inclined to interfere and it would be open to the petitioner to file an appeal against the rejection order dated 03.05.2019 passed by respondent No.2.

5. In view of the above, the writ petition is dismissed. No costs. Consequently, W.M.P.Nos.23017 and 23018 of 2019 are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Secretariat, Chennai - 600 009.
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Chetpet, Chennai - 600 031.

+lcc to the Government Pleader Sr.68647

W.P.No.23290 of 2019

ks[co]
srg 16/09/2019

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