

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2019

CORAM :

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

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.24198 of 2019

1.L.Sanjay Bohra

2.L.Sunil Bohra

3.S.Sunitha Bohra

4.S.Manju Kumari

... Petitioners

-vs-

1.The Commissioner,
Chennai City Municipal Corporation,
Ripon Building,
Chennai - 600 003.

2.The Executive Engineer,
Chennai City Municipal Corporation,
Zone-VI,
No.5, Anderson Road,
Ayanavaram,
Chennai - 600 023.

3.The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore,
Chennai - 600 008.

4.The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai - 600 009.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records relating to the impugned notice issued

by the second respondent in Letter No.06/00030/2019 dated 16.07.2019 and quash the same and to direct the third respondent to consider the application submitted by the petitioners on 28.05.2019.

For Petitioner : Mr.T.Rnganathan

For Respondents : Dr.C.Ravichandran
for respondent Nos.1 and 2

Mrs.Veena Suresh
for respondent No.3

Mr.S.Kamalesh Kannan
Government Advocate
for respondent No.4

ORDER

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

Heard Mr.T.Ranganathan, learned counsel for the petitioner; Dr.C.Ravichandran, learned counsel for respondent Nos.1 and 2; Mrs.Veena Suresh, learned counsel for respondent No.3 and Mr.S.Kamalesh Kannan, learned Government Advocate for respondent No.4.

2. The petitioner has filed this petition being aggrieved by the notice dated 16.07.2019. The said notice is a de-occupation notice, which has been issued under Sections 56 and 57 2(A) read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971. The said notice has been issued in relation to the building at Door No.262, Papers Mills Road, Sembium, Permbur, Chennai-600 011.

3. As against the de-occupation notice issued under Sections 56 and 57 2(A) 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 16.07.2019 and the petitioner is relegated to the remedy of preferring an appeal.

5. In view of the above, the writ petition is dismissed. No costs. Consequently, W.M.P.Nos.23972, 23975 and 23976 of 2019 are closed.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

bbr

To:

- 1.The Commissioner,
Chennai City Municipal Corporation,
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Chennai - 600 003.
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- 4.The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai - 600 009.

Copy To:

The Section officer,
English Record Section,
High Court, Madras - 104.

(To Return the original impugned Notice
to the learned counsel for the petitioner).

+1cc to Mr.T.Ranganathan, Advocate, S.R.No.70151

+1cc to Mr.C.Ravichandran, Advocate, S.R.No.70029

W.P.No.24198 of 2019

NR (CO)

RRS (20/08/2019)