

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.32502 of 2018

and

W.M.P.No.37715 of 2018.

Ebenezer Inbaraj

.. Petitioner

-vs-

1.The Government of Tamil Nadu,
rep. by Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Secretariat,
Chennai-600 009.

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

3.The Executive Engineer,
Zone-7, Greater Chennai Corporation,
Ambattur, Chennai - 600 053.

4.The Assistant Executive Engineer,
Unit-20, Zone-7,
Greater Chennai Corporation,
Ambattur, Chennai - 600 053.

5.The Assistant Engineer,
Division-93, Zone-7, सत्यमेव जयते
Greater Chennai Corporation,
Ambattur, Chennai-53.

6.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Thalamuthy Natarajan Building,
Gandhi Irwin Road,
Egmore, Chennai - 8.

.. Respondents

(Respondent No.6 impleaded vide order dated
31.01.2019 made in W.M.P.No.2543 of 2019)

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records pertaining to impugned De-Occupation notice No.Zone-7/Division-93/069/2018 dated 13.11.2018 of respondents 3, 4 and 5 and to quash the same and consequently, direct the respondents 3, 4 and 5 not to take any coercive action of lock and sealing of the building situated at No.239-A, Erode Jaganathan Street, Golden George Nagar, Chennai - 600 107 comprised in Survey No.420 part measuring to an extent of 990 sq. ft.

For Petitioner : Mr.G.Sivakumar

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)
for respondent No.1

Mr.R.Arunmozhi
for respondent Nos.2 to 5

Mr.S.Thiruvengadam
for respondent No.6

ORDER

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

Heard Mr.G.Sivakumar, learned counsel for the petitioner; Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c) for respondent No.1; Mr.R.Arunmozhi, learned counsel for respondent Nos.2 to 5 and Mr.S.Thiruvengadam, learned counsel for respondent No.6.

2. This writ petition has been preferred by the petitioner against the De-occupation notice dated 13.11.2018. The De-occupation notice is issued for locking and sealing of the building situated at No.239-A, Erode Jaganathan Street, Golden George Nagar, Chennai-600 107 comprised in Survey No.420 (Part) measuring to an extent of 990 square feet. The said notice is issued under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971.

3. As against the notice 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 an appeal under Section 80-A of the said Act.

4. In this view of the matter, we are not inclined to entertain the writ petition and the petitioner is relegated to the remedy of preferring an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

5. The writ petition is disposed of in terms aforesaid. No costs. Consequently, W.M.P.No.37715 of 2018 is closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

bbr

To

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Secretariat,
Chennai-600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
Chennai - 600 003.
- 3.The Executive Engineer,
Zone-7, Greater Chennai Corporation,
Ambattur, Chennai - 600 053.
- 4.The Assistant Executive Engineer,
Unit-20, Zone-7,
Greater Chennai Corporation,
Ambattur, Chennai - 600 053.
- 5.The Assistant Engineer,
Division-93, Zone-7,
Greater Chennai Corporation,
Ambattur, Chennai-53.
- 6.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Thalamuthy Natarajan Building,
Gandhi Irwin Road,
Egmore, Chennai - 8.

+1 CC to Govt. Pleader sr 17295.
+1 CC to Mr.S.Thiruvengadam, Advocate sr 17255.

W.P.No.32502 of 2018

PM(CO)
SP(15/03/2019)



WEB COPY