

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.3183 of 2020
and W.M.P. No.3692 of 2020

G.Elumalai

... Petitioner

Vs

1.The Commissioner,
The Greater Corporation of Chennai,
Rippon Buildings,
Park Town, Chennai-600 003.

2.The Executive Engineer,
The Greater Corporation of Chennai,
Zone 13, Ward 180, Part 39,
Thiruvanmiyur, Chennai-41.

3.The Assistant Engineer,
The Greater Corporation of Chennai,
Zone 13, Ward 180, Part 39,
Thiruvanmiyur, Chennai-41.

4.The Assistant Executive Engineer,
The Greater Corporation of Chennai,
Unit-39, Thiruvanmiyur,
Chennai-41.

5.Venkata Kuppusamy

6.A.Aarthi

7.Tamilarasi Babu

8.V.Ezhilarasi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd - 4th respondents in respect of the notice issued under Section 56 & 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act 1971 bearing notice Div.180/004/2019 dated 08.01.2020 issued by the 2nd - 4th

respondents as against the petitioner and thereon quash the same and restrain the respondents 2 and 4 from any manner disturb the peaceful possession of the superstructure belonging to the petitioner situated in Door No.E 87/34, 13th West Road, Kamaraj Nagar, Thiruvanmiyur, Chennai-41.

For Petitioner : Mr.A.Palaniappan

For Respondents: Mr.K.Raja Srinivas for R1 to R4

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

The writ petition has been filed challenging the Notice Div.180/004/ 2019 dated 08.01.2020 issued by respondents 2 to 4 as against the petitioner under Sections 56 & 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act 1971 and restraining respondents 2 and 4 from in any manner disturbing the peaceful possession of the superstructure belonging to the petitioner situated in Door No.E 87/34, 13th West Road, Kamaraj Nagar, Thiruvanmiyur, Chennai-41.

2.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for respondents 1 to 4.

3.Though very many contentions have been raised in the writ petition, we are of the opinion that the petitioner is having remedy before the Commissioner, the first respondent herein by way of Special Revision Petition under Section 80-A of the Tamil Nadu Town and Country Planning Act 1971. Therefore, without exhausting such remedy, the petitioner cannot approach this Court.

4.Learned counsel for the petitioner submitted that the present notice was issued with malafide intention and therefore, the writ petition is maintainable.

5.We are not inclined to accept the submission made by the learned counsel appearing for the petitioner. Therefore, we constrained to direct the petitioner to file a Revision before the first respondent within a period of two weeks from the date of receipt of a copy of this order, by raising the grounds, which was raised in this writ petition.

6.There shall be an order of status quo to be maintained by both the parties for a period of two weeks.

7. Accordingly, the writ petition stands dismissed. Consequently, W.M.P. No.3692 of 2020 is also dismissed. No costs.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

vga

To

1. The Commissioner,
The Greater Corporation of Chennai,
Rippon Buildings,
Park Town, Chennai-600 003.

2. The Executive Engineer,
The Greater Corporation of Chennai,
Zone 13, Ward 180, Part 39,
Thiruvanmiyur,
Chennai-41.

3. The Assistant Engineer,
The Greater Corporation of Chennai,
Zone 13, Ward 180, Part 39,
Thiruvanmiyur, Chennai-41.

4. The Assistant Executive Engineer,
The Greater Corporation of Chennai,
Unit-39, Thiruvanmiyur,
Chennai-41.

+1cc to Mr.A.Palaniappan, Advocate, SR.No.11979.

CSR: 18.02.2020

Writ Petition No.3183 of 2020
and W.M.P. No.3692 of 2020

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