



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 15.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P. No.19454 of 2021
and WMP.No.20745 of 2021

T.Karthik

... Petitioner

Versus

1. The State of Tamil Nadu
Rep. by Secretary,
To Government Housing and Urban Development,
Fort St. George, Chennai 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai 600 003.
3. The Executive Engineer,
Zone 15, Sholinganallur,
Chennai 600 119.
4. The Assistant Executive Engineer,
Unit 44, Zone 15,
Sholinganallur, Chennai 600 119.
5. The Assistant Engineer,
Division 198, Zone 15,
Sholinganallur,
Chennai 600 119.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari, calling for the entire records of the respondents 3 to 5 in Lr.No.15/00022/2021 dated 31.08.2021 with respect to the deoccupation of the petitioner from the premises in D.No.155, Kalaignar Karunanidhi Salai, Sholinganallur, Chennai 600 119 and quash the same.



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For petitioner : Mr.K.A.Ravindran
for Mr.S.Gowsik Sundar

For respondents
for R1 : Mr.T.N.C.Kowshick
for RR2 to 5 : Mr.K.Raja Shrinivas

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

The Writ Petition is heard through video conferencing.

2. This Writ Petition has been filed to quash the de-occupation notice issued by the respondents 3 to 5 in Form No.II, (Sec.56 - Sub Section 2(A) & 57 read with Section 85 of Town and Country Planning Act as amended by Act 61 of 2008.

3. Heard the learned counsels appearing for both sides and perused the materials available on record.

4. It is an admitted fact that against the order impugned in the Writ Petition, the petitioner has an appeal remedy before the first respondent under Section 80-A of the Town and Country Planning Act. Hence, we permit the petitioner to withdraw the Writ Petition to file an appeal before the first respondent. If an appeal is filed within a period of three weeks from the date of receipt of a copy of this order, the first respondent shall entertain the appeal and decide the same on merits and in accordance with law.

5. With the above observation and direction, the Writ Petition is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



pvs
To

1. The Secretary,
State of Tamil Nadu
To Government Housing and Urban Development,
Fort St. George, Chennai 600 009.
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Chennai 600 119.

+1cc to Mr.K.Rajasrinivas, Advocate Sr.46976
+1cc to the Government Pleader Sr.47184

W.P. No.19454 of 2021

sj[co]
srg 05/10/2021