



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 20.09.2021

CORAM:

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

W.P. No.19780 of 2021
and WMP.No.21055 of 2021

Sudha Shivshankar

.. Petitioner

Versus

1. The Commissioner,
Greater Chennai Corporation,
Chennai 600 003.
2. The Assistant Engineer/Division-179,
Greater Chennai Corporation,
No.65, Velacheri Main Road,
Velacheri, Chennai 600 042.
3. The Assistant Executive Engineer,
Unit No.39, Zone 13,
Greater Chennai Corporation,
No.115, Dr.Muthulakshmi Salai,
Adayar, Chennai 600 020.
4. The Executive Engineer,
Zone-13,
Greater Chennai Corporation,
No.115, Dr.Muthulakshmi Salai,
Adayar, Chennai 600 020.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari, calling for the records contained in the impugned notice bearing Letter No.13/0008/2021, issued by respondent Nos.2 to 4, dated 25.08.2021 and to quash the same as illegal, unfair, and arbitrary.

For petitioner : Mr.P.H.Arvind Pandian, Senior Counsel
for M/s.Suhrith Parthasarathy

For respondents: Mr.K.Raja Shrinivas,
Senior Standing Counsel



ORDER

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

The Writ Petition is heard through video conferencing.

2. Heard Mr.P.H.Arvind Pandian, learned Senior Counsel appearing for M/s.Suhrith Parthasarathy, learned counsel for the petitioner and MR.K.Raja Shrinivas, learned Senior Standing Counsel appearing for the respondents.

3. This Writ Petition has been filed challenging the lock and seal and demolition notice issued by the respondents dated 25.08.2021 under Section 57 read with Section 85 of the Town and Country Planning Act, 1971 as amended by Act 61 of 2008.

4. It appears that the respondents have issued notice having found some deviations in the building. It is an admitted fact that the petitioner is having an alternative remedy of filing an appeal under Section 80-A of the Act before the Government. Hence, this Court is not inclined to entertain this petition. However, if an appeal is filed by the petitioner within a period of four weeks from the date of receipt of a copy of this order, the Government shall entertain the appeal and dispose of the same on merits and in accordance with law within a period of **(*) three months**, thereafter. Till then, the respondents are hereby directed to maintain status quo. If no appeal is filed as aforesaid, the respondent shall take further action in accordance with law.

5. With the above observations and directions, the Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

Dated : 12.10.2021

**(*) Corrected as per order dated
26.10.2021 in WP.19780/2021**

Sd/-

Assistant Registrar(CS II)

Dated : 02.11.2021

//True copy//

Sub Assistant Registrar



pvs

To

WEB COPY

1. The Commissioner,
Greater Chennai Corporation,
Chennai 600 003.
2. The Assistant Engineer/
Division-179,
Greater Chennai Corporation,
No.65, Velacheri Main Road,
Velacheri, Chennai 600 042.
3. The Assistant Executive
Engineer,
Unit No.39, Zone 13,
Greater Chennai Corporation,
No.115, Dr.Muthulakshmi Salai,
Adayar, Chennai 600 020.
4. The Executive Engineer,
Zone-13,
Greater Chennai Corporation,
No.115, Dr.Muthulakshmi Salai,
Adayar, Chennai 600 020.

To be substituted
for the order
already despatched
on 22.10.2021

+1cc to Mr.K.Raja Shrinivas, Advocate, S.R.No. 47810

+1cc to Mr.Arun Karthik Mohan,Advocate, S.R.No. ,55436(12.11.2021)

W.P. No.19780 of 2021

RLD(CO)
GN(13/10/2021)
NSK 12/11/2021