



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.9842 of 2022 and W.M.P. Nos.9547 and 9549 of 2022

A.Mathivanan

... Petitioner

vs

1. Commissioner,
Greater Corporation of Chennai,
Ripon Buildings, Chennai 600 003.

2. Executive Engineer,
Zone V, Greater Corporation of Chennai,
Ripon Buildings, Chennai 600 003.

3. Assistant Executive Engineer,
Unit 12, Greater Corporation of Chennai,
Tondiarpet, Chennai 600 081.

4. Assistant Engineer,
Division No.051,
Greater Corporation of Chennai,
Tondiarpet, Chennai 600 081.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari calling for the records in Letter No.05/4028/2021 on the file of respondents 2 to 4 herein and quash the same.

For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mr.K.Raja Shrinivas,
Standing Counsel for Corporation

ORDER

[Order of this Court was delivered by T.RAJA, J.]

Challenging the Letter No.05/4028/2021 dated 01.07.2021 issued by the Executive Engineer, the Assistant Executive Engineer and the Assistant Engineer, Chennai, respondents 2 to 4 herein, the petitioner has come to this Court with this Writ



Petition.

2.Learned counsel appearing for the petitioner submitted that the petitioner is the absolute owner of the house site, situated at Door No.6/2, Kosapettai Lane, Old Washermanpet, Chennai 600 021 and the same was allotted to him under a Partition Deed dated 12.07.2017, registered as Document No.2200 of 2017 in the Office of the Sub Registrar, Royapuram. After obtaining the said property, the petitioner had given 426 sq.ft. of land in the rear side for Joint Venture to one Mohan Engineers, who had put up residential building in the front side of the property, consisting of ground, first and second floors for the own use of the petitioner and in the year 2017 itself, he has been occupying the property for his residential purpose. While so, a Stop Work Notice dated 30.01.2018 calling for approved plan under Section 56 of the Tamil Nadu Town and Country Planning Act was issued to the petitioner and thereafter, Lock and Seal and Demolition Notice dated 08.02.2018 was also issued to the petitioner stating that the ongoing construction carried out by him is an un-authorized one, without obtaining planning permission required under Section 49 of the Tamil Nadu Town and Country Planning Act and in response to the same, the impugned De-occupation notice dated 01.07.2021 under Section 57 read with Section 86 of the above Act was also issued by respondents 2 to 4 herein stating that the construction put up by the petitioner is deviated one and calling upon him to de-occupy the property in question within 15 days from the date of receipt of the notice. Learned counsel for the petitioner further submitted that since the impugned letter issued by respondents 2 to 4 is totally misconceived, the petitioner is before this Court seeking the above prayer.

3.Heard both sides.

4.When the petitioner was issued with the Stop Work Notice dated 30.01.2018 calling for approved plan under Section 56 of the above Act, no step whatsoever has been taken by the petitioner and therefore, lock and seal and demolition notice dated 08.02.2018 and consequential De-occupation notice dated 01.07.2021 under Section 57 read with Section 86 of the above Act were issued to the petitioner stating that he has to de-occupy the property in question within 15 days from the date of receipt of the notice. Since the petitioner has not even questioned the above notices from the year 2018 by filing an Appeal before the Statutory Authority under Section 80-A of the Tamil Nadu Town and Country Planning Act and in the affidavit also has not mentioned the steps taken by him to regularise the construction and to substantiate his claim that he had filed an Application seeking regularisation, he cannot come to this Court. As the statutory remedy lies under Section 80-A of the



Act, without resorting to the lawful means, he cannot come to this Court. Therefore, we are not inclined to entertain this writ petition. Accordingly, this writ petition stands dismissed. No costs.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Commissioner,
Greater Corporation of Chennai,
Ripon Buildings, Chennai 600 003.
2. The Executive Engineer,
Zone V, Greater Corporation of Chennai,
Ripon Buildings, Chennai 600 003.
3. The Assistant Executive Engineer,
Unit 12, Greater Corporation of Chennai,
Tondiarpet, Chennai 600 081.
4. The Assistant Engineer,
Division No.051,
Greater Corporation of Chennai,
Tondiarpet, Chennai 600 081.

+1cc to Mr.S.Saravana Kumar, Advocate, S.R.No.27649
+1cc to Mr.K.Raja Shrinivas, Standing Counsel, Advocate,
S.R.No.28522

W.P.No.9842 of 2022 and
W.M.P. Nos.9547 and 9549 of 2022

GMR(CO)
CT 17/05/2022