



W.P.No.23677 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.23677 of 2022
and
W.M.P.No.22618 of 2022

T.Tamilselvi

...Petitioner

Vs.

1.The Assistant Engineer (DIV 188),
Greater Chennai Corporation,
No.6/64, Puzuthivakkam Main Road,
Chennai – 600 091.

2.The Assistant Executive Engineer (UNIT 42),
Greater Chennai Corporation,
No.6/64, Puzuthivakkam Main Road,
Chennai – 600 091.

3.The Executive Engineer (Zone 14),
Greater Chennai Corporation,
No.6/64, Puzuthivakkam Main Road,
Chennai – 600 091.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari, calling for the records pertaining to the impugned notice in letter No.14/00168/2022 dated 16.06.2022 on the file of the respondents and quash the same.

For Petitioner : Mr.A.M.Venkata Krishnan

For Respondents : Mr.D.B.R.Prabhu
Standing Counsel for R1 to R3

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

Challenge by the petitioner is to the Lock and Seal notice issued by the Chennai Corporation under Section 56 and 57 of the Tamil Nadu Town and Country Planning Act.

2. While the learned counsel for the petitioner would contend that there has been no violation of the sanctioned plan and notice has been issued based on a mis-interpretation of the planning permission, Mr.D.Arun, learned counsel appearing for Mr.D.B.R.Prabhu, learned Standing Counsel



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for the respondent Corporation had filed a status report which shows that

there are certain minor deviations in the set backs of the building. He

would also point out that there is an alternative remedy by way of special revision under Section 80A of the Tamil Nadu Town and Country Planning Act. The petitioner by-passed that remedy and approached this Court. No doubt the violations are not very serious. However, since there is a remedy by way of special revision available to the petitioner, we do not think we should entertain the writ petition at this stage.

3. The writ petition is **disposed of** directing the petitioner to approach the Government by way of special revision under Section 80A and if such revision is filed within a period of one month from today, the Government shall entertain it without reference to the question of limitation and dispose of the same within three months there from. Till such time the Lock and Seal notice shall remain suspended and the Corporation will not take any further coercive action. No costs. Consequently, the connected writ miscellaneous petition is closed.



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4. The Registry is directed to return the original impugned order to the petitioner to enable the petitioner file an appeal.

(R.S.M.,J.) (K.B.,J.)
18.10.2022

dsa

Index :No
Internet :Yes
Speaking order

To:-

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