



WEB COPY



W.P.No.9366 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mr.JUSTICE.V.LAKSHMINARAYANAN

W.P.No. 9366 of 2018
and
W.M.P.No. 11177 of 2018

E.S.Ramachandran

..Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai 600003
2. The Executive Officer,
Zonal Office V,
Greater Chennai Corporation,
61, Basin Bridge Road,
Chennai 600021
3. The Assistant Executive Engineer
Unit 14,
Greater Chennai Corporation, 61,
Basin Bridge Road,
Chennai 600021
4. The Assistant Engineer,
Division 059,
Greater Chennai Corporation,
61, Basin Bridge Road,
Chennai 600021

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the respondents particularly that of the 2nd respondent dated 5.2.2018 in Notice No./DN-59 / 165 / 2018 that was received on 7.2.2018 together with its continued consequential proceedings in Letter No. 05 / 03788 of 2018 dt 12.2.2018 that is received on 21.2.2018 with further continued proceedings in Letter No. 05 / 03647 / 2018 dated 7.3.2018 actually received on 10.3.2018 so as to quash the same as illegal, unlawful and without jurisdiction and consequently forbear the respondents, their men, agents, servants or anyone acting on their behalf from in any manner interfering with nor disturb the peaceful possession and occupation and enjoyment of the land and building situated at Door No. 366/186-1, VOC Salai, Edapalayam, Chennai-600003.

For Petitioner : Mr. S. Vinod

For Respondents : Mr.G.T. Subramanian
Standing Counsel

ORDER

(Order of the Court was made by V.LAKSHMINARAYANAN, J.,)

This Writ Petition has been filed seeking to call for the records of the 2nd respondent dated 5.2.2018 in Notice No./DN-59 / 165 / 2018 together with its continued consequential proceedings in Letter No. 05 / 03788 of 2018 dt 12.2.2018 and Letter No. 05 / 03647 / 2018 dated 7.3.2018 quash the same as



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illegal and consequently forbear the respondents, their men, agents, servants or anyone acting on their behalf from in any manner interfering with or disturb the peaceful possession and occupation and enjoyment of the land and building situated at Door No. 366/186-1, VOC Salai, Edapalayam, Chennai-600003.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.It is seen that the impugned orders have been issued in accordance with the provisions of the Town and Country Planning Act (in short 'the Act'). Since there is an effective appeal remedy available under Section 80 – A of the Act, this Writ Petition is not maintainable.

4.Accordingly, this Writ Petition stands dismissed, granting liberty to the petitioner to prefer an appeal under Section 80 – A, before the Government. Time taken for prosecuting the present Writ Petition shall be excluded in preferring the appeal. If such an appeal is filed by the petitioner, the Appellate Authority / Government shall dispose the same within a period of 90 days from the date of filing of the appeal. No costs. Consequently, connected



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miscellaneous petition is closed.

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(J.N.B.,J.) (V.L.N.,J.)
05.09.2023

Index:Yes/No
Speaking/Non-speaking order
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To

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