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W.P.No.9626 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.9626 of 2018
and
W.M.P.No.11546 of 2018

K.Ashok Metha,
S/o Kantilal Metha,
364/186-2, Wall Tax Road, (VOC Salai),
Edapalayam,
Chennai - 600 003
represented herein by his
registered Power Agent R.Shivakumar

...Petitioner

VS

1. The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai - 600 003.
2. The Executive Officer,
Zonal Office-V,
Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai - 600 021.
3. The Assistant Executive Engineer,
Unit 14, Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai - 600 021.



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4. The Assistant Engineer,
Division 059
Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai - 600 021.

..Respondents

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 3rd respondent, in Notice No./DN-59/109/2018 dated 03.01.2018 that was received on 25.01.2018 together with its continued consequential Proceedings in letter No.05/03787 of 2018 dated 12.02.2018 received on 21.02.2018 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 or disturb the peaceful possession and occupation and enjoyment of the land and building situate at Door No.364/186-2, VOC Salai, Edapalayam, Chennai - 600 003 by the petitioner.

For Petitioner : Mr.N.Jothi,
Senior Counsel
for Mr.S.Vinod

For Respondents : Mrs.P.T.Ramadevi



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ORDER

This writ petition has been filed seeking to call for the records of the respondents, particularly that of the 3rd respondent, in Notice No./DN-59/109/2018 dated 03.01.2018 that was received on 25.01.2018 together with its continued consequential Proceedings in letter No.05/03787 of 2018 dated 12.02.2018 received on 21.02.2018 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 or disturb the peaceful possession and occupation and enjoyment of the land and building situate at Door No.364/186-2, VOC Salai, Edapalayam, Chennai - 600 003 by the petitioner.

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.



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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, the Appellate Authority/Government shall dispose the same within a period of four weeks from the date of filing of the appeal. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B., J.) (N.M., J.)
07.12.2023

vsi

Index : Yes / No

Internet : Yes / No

To

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