



WEB COPY



W.P.No.13113 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.13113 of 2023

M.Muthumariammal

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Petitioner

v.

1. The Commissioner
Greater Chennai Corporation
Rippon Building
E.V.R.Salai, Chennai 600 003
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Thalamuthu Natrarajar Maligai
Egmore, Chennai 600 008
3. S.Bhoobalamoorthi
4. The Zonal Executive Engineer
Zone-III, Greater Chennai Corporation
No.1, Thattankulam Street
Bazaar Road, Madhavaram
Chennai 600 060



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5. G.Duraiswamy

6. Mr.Sekar

7. Mr.Ramesh

8. The Inspector of Police
M-1, Madhavaram Police Station
Madhavaram, Chennai 600 110

9. The Secretary to Government
Housing and Urban Development Department
Fort St.George, Chennai 600 009
(R9 suo motu impleaded vide order of Court
dt. 27.02.2024)

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Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned lock & sealing and demolition notice vide Letter No.03/00184/2023 dated 10.01.2023 as well as the impugned Deoccupation Notice vide Letter No.03/00057/2023 dated 29.03.2023 issued by the Respondents No.4, 6 & 7 when there is no construction at No.17A, 1st Street, Natesan Nagar, Ponnammanmedu, Chennai 600 110 and quash the same.

For Petitioner :: Mr.A.Prakash

For Respondents :: Mr.D.B.R.Prabhu
Standing Counsel for R1 & R4
Mr.Y.Bhuvaneshkumar
Standing Counsel for R2



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Mr.G.Mohanarangan for R3
Mr.R.Kumaravel
Additional Government Pleader
for R8 & R9
No appearance for R5 to R7

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

Having regard to the nature of order that is proposed to be passed in this writ petition, the Secretary to Government, Housing and Urban Development Department, Fort St.George, Chennai 600 009 is suo motu impleaded as the 9th respondent in this writ petition.

2. This writ petition is filed for issuance of a writ of certiorari to quash the impugned lock & seal and demolition notice dated 10.01.2023 as well as the deoccupation notice dated 29.03.2023 issued by the respondent Corporation, whereunder the petitioner was called upon to restore the land to its original position before its construction. In the said notice, the details of the violations are also pointed out.



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3. The petitioner has not produced before this Court any approved plan or any document to show that the construction put up by the petitioner is authorised. Strangely, a contention is raised by the learned counsel for petitioner that the building put up by the petitioner is exempted. However, neither a statutory provision nor a communication received from the official respondents is produced before this Court to show that the petitioner's building is exempted. The learned counsel appearing for petitioner, however, states that the respondents have orally informed the petitioner that no planning approval is necessary for the petitioner's building, in view of the fact that the petitioner's building comes under the category exempted from the purview of the Tamil Nadu Town and Country Planning Act. The petitioner has not even disclosed the basis of her claim.

4. This Court, in the absence of any document or communication that would justify the stand taken by the petitioner, is not inclined to entertain this writ petition. Since the petitioner has an effective alternative remedy of filing a revision under Section 80-A of the Tamil Nadu Town and Country Planning Act as against the orders impugned in this writ petition, leaving it



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open to the petitioner to file a revision petition in terms of Section 80-A of the Tamil Nadu Town and Country Planning Act within a period of two weeks from the date of receipt of a copy of this order, this writ petition is dismissed. Needless to state that the ninth respondent shall dispose of the revision petition on merits and in accordance with law, within a period of ten weeks from the date of receipt of revision petition from the petitioner. If a revision is preferred as aforesaid, till such time an order is passed in the revision petition and communicated to the petitioner, the respondents are directed to maintain status quo. Consequently, W.M.P.Nos.12876 & 12880 of 2023 are also dismissed. No order as to costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
27.02.2024

ss

To

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