



WEB COPY



W.P.Nos.36163 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

Writ Petition No.36163 of 2024
and WMP No.39049 of 2024

R. Hema

.. Petitioner

Vs.

1. The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai 600 003.
3. The Executive Engineer,
Zone 8, Greater Chennai Corporation,
No.36 B, Pulla Avenue, Shenoy Nagar,
Chennai 600 030.
4. The Assistant Engineer,
Zone -8, Ward 108,
Greater Chennai Corporation,
No.36 B, Pulla Avenue, Shenoy Nagar,
Chennai 600 030.



W.P.Nos.36163 of 2024

5. Mrs. Azra

.. Respondents

WEB COPY

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for, to issue a Writ in the nature of Mandamus, forbearing the respondents 2 to 4 from initiating any coercive action pursuant to the locking & Sealing notice vide Notice No.Zone-VIII/TPENF/54/2024 dated 05.08.2024 and De-occupation notice vide Zone-VIII/TPENF/054/2020 dated 10.09.2024 at doors No.16/8, Mangalapuram, 8th Street, Chetpet, Chennai 600 031, till disposal of appeal No.8485600 dated 23.09.2024 on the file of first respondent.

For Petitioner : Mr.N.Beulah John Selvaraj

For Respondents : Mr.P.Balathandayutham
Special Government Pleader, for R1

Ms.K.Aswini Devi, for RR2 to 4

No appearance for R5

ORDER

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

The petitioner seeks a Mandamus forbearing the respondents from taking coercive steps pursuant to the de-occupation notice issued under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and



W.P.Nos.36163 of 2024

Country Planning Act.

WEB COPY

2. Admittedly, the petitioner has filed a Revision under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971. Section 80(A) (3) of the Tamil Nadu Town and Country Planning Act, 1971 invests the power in the Authority to grant interim orders pending the Revision. Therefore, we do not think we can exercise the power under Article 226 of the Constitution of India, when there is an effective alternative remedy available to the petitioner.

3. Hence the Writ Petition is dismissed, leaving it open to the petitioner to move the Authority under Section 80(A) Tamil Nadu Town and Country Planning Act, seeking appropriate interim order. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (C.KUMARAPPAN, J.)
27.11.2024

jv



W.P.Nos.36163 of 2024

Index: No
Internet: Yes
Speaking order
Neutral Citation: No

To

1. The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai 600 003.
3. The Executive Engineer,
Zone 8, Greater Chennai Corporation,
No.36 B, Pulla Avenue, Shenoy Nagar,
Chennai 600 030.
4. The Assistant Engineer,
Zone -8, Ward 108,
Greater Chennai Corporation,
No.36 B, Pulla Avenue, Shenoy Nagar,
Chennai 600 030.



WEB COPY



W.P.Nos.36163 of 2024

R.SUBRAMANIAN, J.

and

C.KUMARAPPAN, J.

(jv)

Writ Petition No.36163 of 2024

27.11.2024