

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P. No.13452 of 2015

and

M.P. No.1 of 2015

ISOMETRIX

Architects & Interiors Designers

represented by its Proprietor

Mustafa Abdul Nazar

S/o Khader Mohideen Mustafa

Block "B", V Floor

Old No.21, New No.26

Santhome High Road

Mylapore, Chennai 600 004

...Petitioner

Vs.

1 The Chennai Metropolitan Development Authority
represented by its Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

2 Ferdous Estates Pvt. Ltd.
Represented by its Director
Old No.21, New No.26
Santhome High Road
Chennai 600 004

3 Marina Square Flat Owners' Association
represented by its President
55, Santhome High Road
Mylapore, Chennai 600 004

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records relating to the letter no.EC/S-1/19237/2014 dated 21.04.2015 of the first respondent in respect of premises situate at Block "B", V Floor, Old No.21, New No.26, Santhome High Road, Mylapore, Chennai 600 004, in respect of the petitioner and quash the same and direct the first respondent to grant the petitioner three months' time to de-occupy the premises, viz., Part of V floor in "B"Block, Old No.21, New No.26, Santhome High Road, Mylapore, Chennai 600 004.

For petitioner : Mrs.AL. Ganthimathi

For R1 : Mr.K. Raja Shrinivas
Standing Counsel

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

The petitioner, an occupier of the premises in question as a tenant, feeling aggrieved by the de-occupation notice dated 21.04.2015 issued by the first respondent - Chennai Metropolitan Development Authority, under Section 56(2)(iii) of the Tamil Nadu Town and Country Planning Act, 1971, has come up with the instant writ petition, seeking a limited relief of extension of time, to comply with the notice impugned by vacating the premises in question.

2 Mr. K. Raja Shrinivas, learned Standing Counsel, accepts notice for the first respondent. Considering the nature of relief sought by the petitioner, there is no need to issue notice to respondents 2 and 3. Thus, with the consent of the learned counsel for the petitioner and the learned Standing Counsel appearing for the first respondent, the writ petition is taken up for final disposal, at the admission stage itself.

3 According to the learned counsel for the petitioner, the petitioner is running a business in the premises in question. Hence, the petitioner needs some more time to vacate the premises and hand over the same to the authority in compliance of the impugned de-occupation notice dated 21.04.2015.

4 Having considered all aspects of the matter, we grant further 30 days time to the petitioner, from the date of expiry of time granted by the authorities to remove the unauthorisedly constructed portion with immediate effect and restore the building in

compliance with the plan sanctioned by Chennai Metropolitan Development Authority within 30 days, to de-occupy / vacate the premises, subject to the petitioner giving an undertaking to the first respondent that the petitioner accepts the order impugned herein and would vacate and hand over the premises, without creating any encumbrance or third party interest in the premises, within a period of one week from the date of receipt of a copy of this order.

5 The writ petition stands disposed of with the above directions. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

cad

To

The Member Secretary
The Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

1 CC to Mrs.AL. Ganthimathi, Advocate SR.No. 24668

1 CC to Mr. K. Raja Shrinivas, Advocate SR.No. 24586

सत्यमेव जयते

W.P. No.13452 of 2015

RSK (CO)
PSI (05.05.2015)

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