

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2015

CORAM

THE HONOURABLE MR .JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.14393 of 2015
and
M.P.No.1 of 2015

C.Naresh ... Petitioner
Vs.

Chennai Metropolitan Development
Authority,
Rep. By its Member-Secretary,
No.1, Gandhi-Irwin Road,
Egmore, Chennai - 8 ... Respondent

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent to remove the lock and seal put up by them on 17.04.2015 with regard to the constructions put up at No.68, Nattupillaiyar Kovil Street, Chennai - 1, by enabling the petitioner to rectify the deviations in the constructions so as to restore the building as per approved plan.

For Petitioner : Mr.R.Mohan

For Respondent : Mr.Rajasrinivas
for CMDA

ORDER

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

Heard Mr.R.Mohan, learned counsel appearing for the petitioner and Mr.Rajasrinivas, learned counsel, who takes notice on behalf of the respondent.

2. The petitioner sought for a mandamus directing the respondent to remove the lock and seal put up by them on 17.4.2015 with regard to the constructions put up at No.68, Nattupillaiyar Kovil Street, Chennai - 1, by enabling him to rectify the deviations in the constructions so as to restore the building as per approved plan.

3. The grievance of the petitioner is that he is the owner of the property situated at No.68, Nattupillaiyar Kovil Street, Chennai - 1, and he had put up construction in the said property for residential purpose. On 09.03.2015, the respondent has issued notice calling the petitioner to produce the approved plan. On receipt of the said notice, the petitioner has orally informed about the approved plan and also the submission of revised plain with regard to the deviations in the constructions. In spite of submitting the revised plan application, the respondent has proceeded with locking and sealing action on 17.4.2015. On 20.04.2015, the petitioner had submitted a representation to the respondent and the same is pending with the respondent. According to the petitioner, unless the seal put up by the respondent is removed, he will not be in a position to rectify the deviations and restore the building as per the approved plan. Therefore, the petitioner has filed this writ petition with the above said prayer.

4. Mr.R.Mohan, the learned counsel appearing for the petitioner has submitted that if the premises is de-sealed and allowed to be occupied, the petitioner will rectify the deviations and bring the building as per the specification mentioned in the approved plan. The said submission of the learned counsel for the petitioner is recorded.

5. In the light of the said submission, the writ petition is disposed of with a direction to the respondent to remove the lock and seal put up by them in respect of the premises at No.68, Nattupillaiyar Kovil Street, Chennai - 1 for a period of four months from the date of receipt of a copy of this order, so as to enable the petitioner to rectify the deviations. The petitioner is directed to rectify the deviations and restore the building in tune with the approved plan, within the period of four months from the date of removal of the seal by the respondent. It is made clear that if the deviations are not removed and the building is not restored as per the approved plan, it is open to the respondent to inspect and initiate proceedings for sealing the said premises.

6. The writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msk

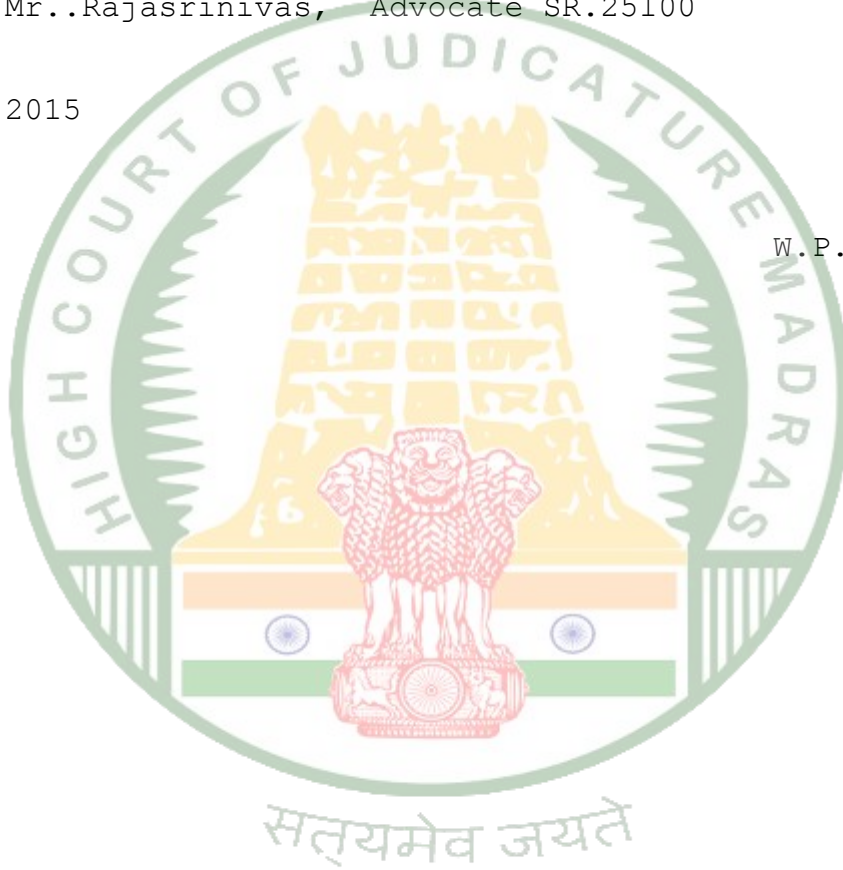
To
The Member-Secretary,
Chennai Metropolitan Development
Authority,
No.1, Gandhi-Irwin Road,
Egmore, Chennai - 8.

+ 1 cc to Mr.R.Mohan, Advocate SR.25055

+ 1 cc to Mr..Rajasrinivas, Advocate SR.25100

SR(CO)
EU 20.05.2015

W.P.No.14393 of 2015



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