

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.14395 of 2015 and M.P. No.1 of 2015

and

Contempt Petition No.843 of 2015

W.P. No.14395 of 2015:

M/s.C.L. Baid Mehta Trust
represented by its Trustee
L. Udaya Mehta
S/o C.L. Mehta
No.62/60 Burkit Road
T. Nagar, Chennai 600 017

...Petitioner

vs.

- 1 Government of Tamil Nadu
represented by its Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai 600 009
- 2 The Chennai Metropolitan Development Authority
represented by its Member Secretary
No1, Gandhi Irwin Road
Egmore, Chennai 600 008

...Respondents

Contempt Petition No.843 of 2015:

Baid Mehta Complex Residents Welfare Association
represented by its Secretary, K. Udayakumar
No.16, Mount Road, Little Mount, Saidapet
Chennai 600 015

...Petitioner

vs.

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

...Respondent

Prayer in W.P. No.14395 of 3015:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to consider and pass orders on the representation dated 29.04.2015 for removal of the lock and seal affixed on 28.04.2015 to the basement floor in all the 3 blocks at New No.16, Old No.183, Anna Salai, Little Mount, Saidapet, Chennai 600 015, so as to enable the petitioner to rectify the deviation in the basement floor and bring the same in conformity to the sanctioned plan accorded by the second respondent vide P.P.A. Letter No.B1/182/92 dated 23.09.1992, within a reasonable time.

Prayer in Contempt Petition No.843 of 2015:

Contempt Petition filed under Section 11 of the Contempt of Courts Act, seeking to punish the respondent for wilful dis-obedience of the order dated 18.03.2015 passed in W.P. No.3148 of 2015 and the consequential contempt of Court.

W.P. No.14395 of 2015:

For petitioner	:	Mr. L. Chandrakumar
For R1	:	Mr. N. Sakthivel, Govt. Advocate
For R2	:	Mr. K. Raja Srinivas, Standing Counsel

Contempt Petition No.843 of 2015:

For petitioner	:	Mr. Ma.P. Thangavel
For respondent	:	Mr. K. Raja Srinivas, Standing Counsel

COMMON ORDER
(Order of the Court was made by SATISH K. AGNIHTORI, J.)

This writ petition is filed seeking a writ of mandamus directing the respondents to consider and pass orders on the representation dated 29.04.2015 for removal of the lock and seal affixed on 28.04.2015 to the basement floor in all the 3 blocks at New No.16, Old No.183, Anna Salai, Little Mount, Saidapet, Chennai 600 015, so as to enable the petitioner to rectify the deviation in the basement floor and bring the same in conformity with the sanctioned plan accorded by the second respondent vide P.P.A. Letter No.B1/182/92 dated 23.09.1992, within a reasonable time.

2 Today, when the matter is taken up for hearing, the learned counsel for the petitioner submits that having lost at every forum, including the appeal preferred under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 in respect of the property in question, wherein, the authorities had recorded the deviations and illegal constructions, the petitioner seeks a direction from this Court to permit it to remove the deviations and also the illegal structures and to restore the same to their original position as per the approved plan.

3 The learned Standing Counsel appearing for the second respondent-Chennai Metropolitan Development Authority submits that the petitioner will be granted four weeks time after de-sealing and unlocking the premises, for removal of deviations and illegal structure and thereafter, the authorities will have proper inspection and if it is found that the same is not done in accordance with the approved plan, the second respondent be permitted to lock and seal the same.

4 Accordingly, we dispose of the writ petition permitting the petitioner to take necessary steps for making good the defects in the structure. If deviations are not rectified and also illegal structures are not removed within the time, as aforestated, the authorities are competent to take steps immediately to seal and lock the premises and thereafter, take consequential action as required under the provisions of law. Costs made easy. Connected Miscellaneous Petition is closed.

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5 In view of the disposal of the aforesaid writ petition, nothing survives for adjudication in Contempt Petition No.843 of 2015. Accordingly, the Contempt Petition stands closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Secretary to Government
Housing and Urban Development Department
Government of Tamil Nadu
Secretariat
Chennai 600 009
- 2 The Member Secretary
Chennai Metropolitan Development Authority
No1, Gandhi Irwin Road
Egmore, Chennai 600 008

- 1 CC to Mr. L. Chandrakumar, Advocate SR.No. 27539
1 CC to Mr. K. Raja Srinivas, Advocate SR.No. 27672
1 CC to the Government Pleader, SR.No. 27719

सत्यमेव जयते

W.P. No.14395 of 2015
and
Contempt Petition No.843 of 2015

RJ (CO)
PSI (18.06.2015)

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