

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M.VENUGOPAL

W.P. No.16256 of 2015
and
M.P. No.1 of 2015

S. Kamalabai

... Petitioner

Vs.

1. The State of Tamil Nadu
represented by its Secretary
Housing & Urban Development Department
Fort St. George, Chennai 600 009
2. The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Salai, Egmore, Chennai 600 008
3. The Regional Deputy Commissioner
Corporation of Chennai
II Cross Street
Pulla Avenue, Shenoy Nagar
Chennai 600 030

... Respondents

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 22.01.2015 and the reminder thereto dated 19.03.2015, seeking removal of lock and seal as affixed vide Notice No.REGIONCENTRAL/TPENF/8306/2014 dated 19.12.2014 at Door No.194, Vellala Street, Purasawakkam, Chennai 600 084, so as to enable the petitioner to rectify the deviation and to bring the same in conformity with the sanctioned plan, within a reasonable time.

For petitioner : Mr. L. Chandrakumar

For R1 : Mr. P.S. Sivashanmugasundaram
Special Government Pleader

For R2 : Mr. C. Johnson, Standing Counsel

For R3 : Mr. P.H. Arvindh Pandian
Addl. Adv. General
assisted by
Mr. R. Arunmozhi, Standing Counsel

ORDER

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

With the consent of the learned counsel for the parties, the matter is taken up for final disposal.

2.The petitioner, stating to be a resident of Vellala Street, Purasawakkam, Chennai - 84, has come up with the instant writ petition, seeking a direction to the respondents to consider her representation dated 22.01.2015 and the reminder thereto dated 19.03.2015, seeking removal of lock and seal, to enable her to rectify certain deviations and bring the property in conformity with the sanctioned plan, within a reasonable time.

3.The facts, in nutshell, are that the Chennai Corporation, noticing unauthorised construction, issued a stop work notice on 08.07.2014 under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act"), calling upon the petitioner to stop the unauthorised construction and conform the premises with the sanctioned plan. Thereafter, on 05.11.2014, locking, sealing and demolition notice was issued stating therein that if compliance with the sanctioned plan is not secured within 30 days, further consequential action under Sections 56 (2A) and 50(a)(b)(i) and (ii) of the Act shall be taken. Seemingly, the petitioner has turned deaf ears to these two notices. Consequentially, the Chennai Corporation issued the de-occupation notice dated 19.12.2014 under Sections 56 and 57 read with Section 85 of the Act.

4.According to the learned counsel for the petitioner, the petitioner has preferred an appeal against the said order (albeit there is no document to that effect). It is further submitted by the

learned counsel that realising the mistake of causing unauthorised construction, the petitioner has made representations dated 22.01.2015 and 19.03.2015, seeking to unlock and deseal the premises to rectify the deviations and secure compliance with the sanctioned plan.

5.The learned Additional Advocate General appearing for the Chennai Corporation submits that the petitioner may be granted some time to rectify the deviations and bring the premises in question in conformity with the sanctioned plan.

6.In view of the above submission made by the learned Additional Advocate General, the third respondent is directed to look into the petitioner's representation and reminder dated 22.01.2015 and 19.03.2015 respectively and grant reasonable time to the petitioner to rectify the deviations and secure the building in conformity with the sanctioned plan. After rectification is done by the petitioner, the authority is obliged to cause inspection and ensure that the premises is in conformity with the sanctioned plan and take necessary action thereafter, as per law.

7.With the aforesaid directions, the writ petition stands disposed of. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

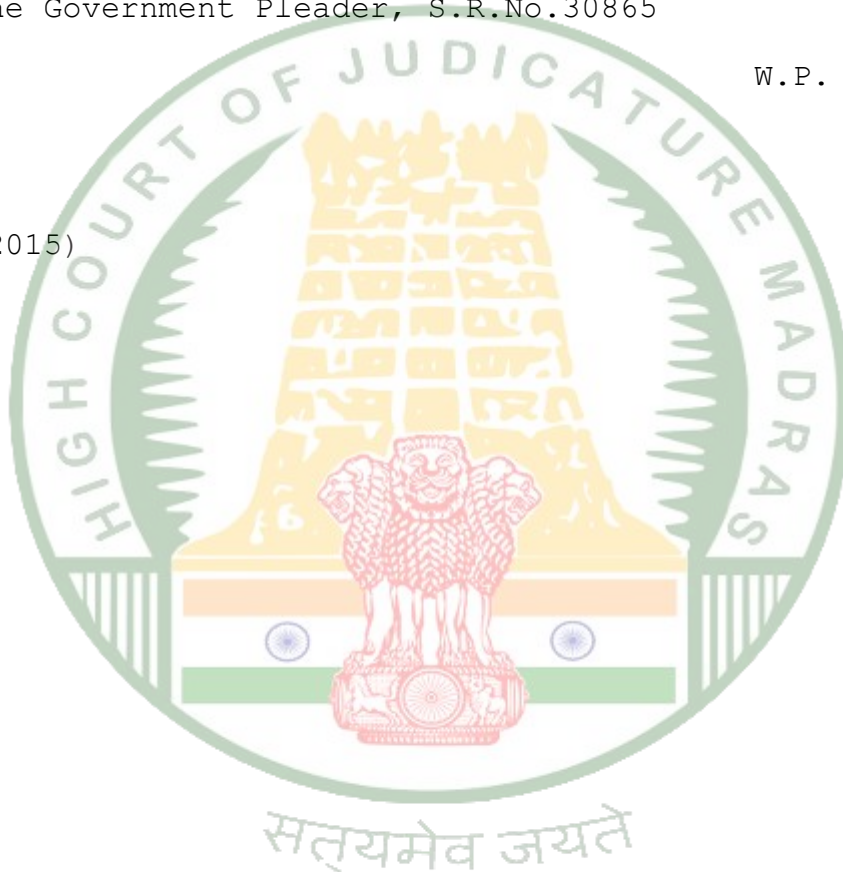
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+1cc to M/s.R.Arunmozhi, Advocate, S.R.No.30728
+1cc to Mr.C.Johnson, Advocate, S.R.No.30905
+1cc to Mr.L.ChandraKumar, Advocate, S.R.No.31376
+1cc to the Government Pleader, S.R.No.30865

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PPA (CO)
CA(26/06/2015)



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