

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2015

CORAM:

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

W.P. No.17494 of 2015

P. Surya Prakash Rao

... Petitioner

Vs.

1. The Commissioner & Secretary to Government
Housing and Urban Development Department
Fort St. George
Chennai 600 009
2. The Member Secretary
Chennai Metropolitan Development authority
Thalamuthu Natarajan Maaligai
Egmore, Chennai 600 008
3. The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003
4. The Executive Engineer,
Corporation of Chennai,
New Zonal Office X
(Old Zonal Office VIII)
No.117, N.S.K. Salai
Kodambakkam
Chennai 600 024

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first and second respondents to forthwith remove the lock and seal in respect of the premises at New No.11, Old No.5, Corporation Colony Main Road, Rangarajapuram, T.S.No.2/64, Block No.49, Puliyur Village,

Kodambakkam, Chennai - 24 so as to enable the petitioner to rectify and restore the said premises to one as cottage industry as per the plan accorded and approved vide PPA No.4319/2002 dated 28.08.2002 and BA No.3980 dated 28.08.2002 on the basis of the representation dated 06.08.2014 which came to be forwarded by the first respondent vide letter no.26293/UD-VI/2013-3 dated 14.05.2014.

For petitioner : Mr. L. Chandrakumar

For R1 : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader

For R2 : Ms. V. Vanitha
for Mr. C. Johnson

For RR 3 & 4 : Mr. A. Nagarajan

ORDER

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

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

2. The case of the petitioner is that, as owner of the property at New No.11, Old No.5, Corporation Colony Main Road, Rangarajapuram, T.S.No.2/64, Block No.49, Puliyur Village, Kodambakkam, Chennai - 24, he constructed a cottage industry based on the approved lay out. However, since there was recession in industry, in 2003, he converted the said building into a mini hall having a capacity of 75-100 persons to be let out for rent for conducting functions like birthday parties, betrothal, etc. Thereafter, taking note of certain deviations in the construction, the fourth respondent issued a locking, sealing and demolition notice dated 14.07.2011. In response, the petitioner submitted his explanation and also a revised plan. Both the said representation and the revised plan were rejected by the second respondent on 21.11.2011. Thereagainst, the petitioner had filed an appeal on 11.01.2012. Pending the appeal, the Corporation locked and sealed the petitioner's premises. On 08.04.2013, the appellate authority dismissed the petitioner's appeal. Thereafter, on 12.03.2014 and 28.03.2014, due to certain reasons, the petitioner submitted representations to the Government and Corporation respectively, to remove the lock and seal, so that he can resume cottage industry as per the approved plan. Following those two representations, the

petitioner addressed yet another representation dated 06.08.2014 to the first respondent. Finding no response, the present writ petition has been filed seeking a direction to the authorities concerned to remove the lock and seal in respect of the premises in question, enabling him to rectify the deviations and restore the building as cottage industry as per the approved plan.

3. The learned counsel for the petitioner submits that the petitioner is ready and willing to demolish the unauthorised portions for the purpose of restoring the building to its original position in terms of the planning permission granted by the Corporation.

4. Considering the facts and circumstances of the case, the petitioner is given liberty to make an application before the Chennai Corporation with a request to permit him to demolish the unauthorised structure. In case, any such application is given, the Chennai Corporation is directed to grant permission for the purpose of demolishing the unauthorised structure. The petitioner is granted three weeks' time to rectify the deviations. After the petitioner demolishes the unauthorised structure, the Chennai Corporation shall inspect the building once again to confirm as to whether the unauthorised structure has been removed. If it is found that the entire unauthorised structure is removed, the Chennai Corporation shall process the matter further. In case, the unauthorised structure is not removed within the time granted, the Chennai Corporation is permitted to take further action, in accordance with law.

5. This writ petition is disposed of with the above directions and observation. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cad

To

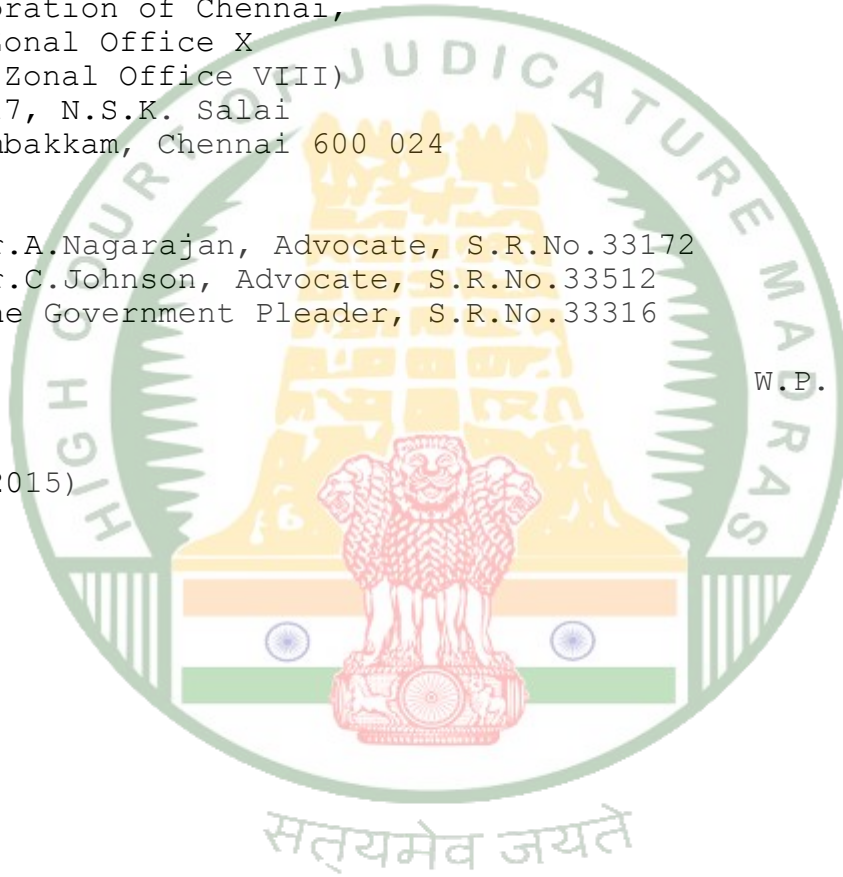
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+1cc to Mr.A.Nagarajan, Advocate, S.R.No.33172
+1cc to Mr.C.Johnson, Advocate, S.R.No.33512
+1cc to the Government Pleader, S.R.No.33316

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CA(15/07/2015)



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