

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2015

CORAM:

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

W.P. No.18109 of 2015 and M.P. No.1 of 2015

1 S.M. Shajahan
2 S.M. Nazeer Ahmed Petitioners

Vs.

1 The Regional Joint Commissioner - South
Corporation of Chennai
Adyar, Chennai 600 020
2 The Executive Engineer
Town Planning (Enforcement)
Corporation of Chennai
O/o the Regional Joint Commissioner - South
Adyar, Chennai 600 020 Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to de-seal the locking and sealing imposed over the constructions put up at No.1/190, Anna Salai, Palawakkam, Chennai 600 041 comprised in Corporation Division No.185, Unit 41 forthwith, so as to carry out necessary action of removal of unauthorised additions besides rectification of the existing deviations in the subject constructions put up referred to above.

For petitioners Mr. R. Mohan

For respondents Mr. R. Arunmozhi, Standing Counsel

ORDER

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

Mr. R. Arunmozhi, learned Standing Counsel, accepts notice on behalf of the respondents. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondents 1 and 2 to de-seal the locking and sealing imposed over the constructions put up at No.1/190, Anna Salai, Palawakkam, Chennai 600 041 comprised in Corporation Division No.185, Unit 41 forthwith, so as to carry out necessary action of removal of unauthorised additions besides rectification of the existing deviations in the subject constructions put up by the petitioners.

3 The case of the petitioners is that they are siblings and they are joint owners of the property at No.1/190, Anna Salai, Palawakkam, Chennai - 41. They applied for sanction for construction of ground floor and first floor from the second respondent. While putting up construction, they put up semi-permanent shed over and above the ground floor and first floor and a partial permanent structure in the second floor and a shed in the terrace of the building. Due to said violation and deviation, the respondents issued a locking and sealing notice dated 30.06.2014. On receipt of the same, the petitioners approached the respondents with a copy of the revised plan for regularising the deviations. Yet, the respondents refused to accord approval and ultimately, locked and sealed the building on 12.01.2015. The petitioners made a representation dated 26.05.2015 requesting them de-seal the premises and also to permit them to carry out the rectifications insofar as the deviations and also to remove the additions put up in the building over and above the approved plan. As there has been no response from the respondents, the petitioners have come up with the instant writ petition.

4 The learned counsel for the petitioners submits that the petitioners are 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.

5 Considering the facts and circumstances of the case, the petitioners are given liberty to make an application before the respondents with a request to permit them to demolish the unauthorised structure. In case, any such application is given, the respondents are directed to grant permission for the purpose of demolishing the unauthorised structure. The petitioners are granted eight weeks' time to rectify the deviations. After the petitioners demolish the unauthorised structure, the respondents 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 respondents shall process the matter further. In case, the unauthorised structure is not removed within the time granted, the respondents are permitted to take further action, in accordance with law.

6 This writ petition is disposed of with the above directions. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Regional Joint Commissioner - South
Corporation of Chennai
Adyar, Chennai 600 020
- 2 The Executive Engineer
Town Planning (Enforcement)
Corporation of Chennai
O/o the Regional Joint Commissioner - South
Adyar, Chennai 600 020
- 1 cc to Government Pleader, sr. 31051
- 1 cc to Mr.R. Arunmozhi, Advocate, sr. 30821
- 1 cc to Mr.R. Mohan, Advocate, sr. 30829

W.P. No.18109 of 2015

LRS (CO)
kk 26/6

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