

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2015

CORAM:

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

W.P. No.20408 of 2015

Mohammed B.T. Bakir

Petitioner

Vs.

The Chennai Metropolitan Development  
Authority, rep. By its Member Secretary,  
No. 1 Gandhi Irwin Road,  
Egmore, Chennai.8.

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to consider and pass orders on the representation dated 03.07.2015 for removal of the lock and seal affixed on the premises bearing Door No. 86, Prakasam Salai (Broadway Road), Chennai.1. On 03.07.2015 so as to enable the petitioner to rectify and remove the deviation and bring the same in conformity to Development Regulations.

For petitioner  
For respondent

Mr. D.S. Rajasekaran  
Mr. C. Johnson

ORDER

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

Mr. C. Johnson, learned Counsel, accepts notice on behalf of the respondent. 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 respondent to consider and pass orders on the representation dated 03.07.2015 for removal of the lock and seal affixed on the premises bearing Door No.86, Prakasam Salai (Broadway Road) Chennai.1, on 03.07.2015 so as to enable the petitioner to rectify and remove the deviation and bring the same in conformity with the Development regulations.

3. The case of the petitioner is that he purchased the property to an extent of 750 sq.ft. at Door No. 86, Prakasam Salai

(Broadway road), Chennai and his vendor had obtained approval on 30<sup>th</sup> March, 2014 for demolition and re-construction of the ground floor. While making construction, he intended to put up some additions and alterations, and therefore, he approached the Corporation of Chennai for regularisation, and the same was refused. Thereafter, the respondent had issued notice dated 27.02.2015 to the petitioner, calling for approved plan. On receipt of the same, the petitioner approached the respondent with a copy of the approval accorded by the Corporation of Chennai. Yet, the respondent, without considering the reply and without any notice, locked and sealed the entire building on 03.07.2015. On the same day, the petitioner made a representation to the respondent requesting to de-seal the premises and also to permit him 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 was no response from the respondent, the petitioner has come up with the instant writ petition.

4 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.

5 Considering the facts and circumstances of the case, the petitioner is given liberty to make an application before the respondent with a request to permit him to demolish the unauthorised structure. In case, any such application is given, the respondent is directed to grant permission for the purpose of demolishing the unauthorised structure. The petitioner is granted eight weeks' time to rectify the deviations. After the petitioner demolishes the unauthorised structure, the respondent 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 and the remainder is in conformity with the approved plan, the respondent may not be required to process the matter further. In case, the unauthorised structure is not removed within the time granted, the respondent is permitted to take further consequential action, in accordance with law.

6 This writ petition is disposed of with the above directions. No costs.

Sd/-  
Assistant Registrar

True Copy

Sub Assistant Registrar

ra

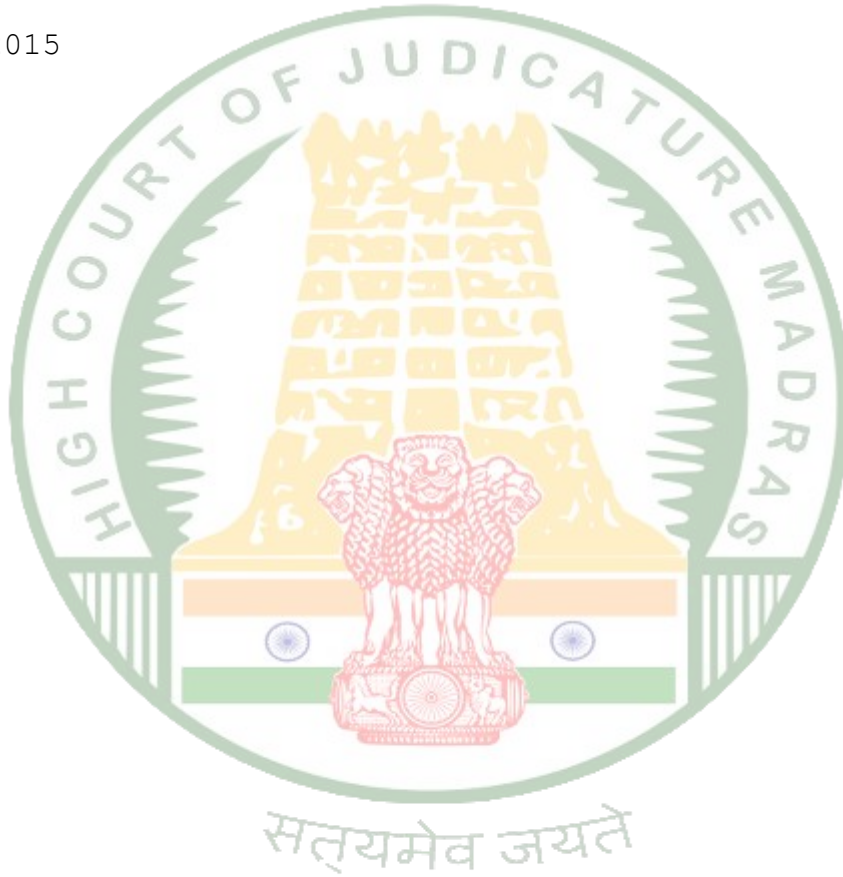
To  
The Member Secretary,  
The Chennai Metropolitan Development  
Authority,  
No. 1 Gandhi Irwv Road,  
Egmore, Chennai.8.

1 cc to Mr. C. Johnson , Advocate Sr.No.34638

1 cc to Mr. D.S. Rajasekaran, Advocate Sr.No.34480

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RV(CO)  
PMK.13.7.2015



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