

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.35087 of 2014
and M.P.No.1 of 2014

Life Style Housing Infrastructure
Rep. By its Partner, Vijay Gulecha. .. Petitioner

-vs-

- 1.The Government of Tamil Nadu,
Rep. By its Secretary,
Housing and Urban Development
Department, Fort St. George,
Chennai.
- 2.The Corporation of Chennai,
Rep. By its Commissioner,
Ripon Buildings, Park Town,
Chennai.
- 3.The Regional Deputy Commissioner
(Central), Corporation of Chennai,
368, Pulla Avenue, Shenoy Nagar,
Chennai.
- 4.The Executive Engineer,
The Corporation of Chennai,
Zonal Office VIII, Pulla Reddy Avenue,
Shenoy Nagar, Chennai. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records culminated in the impugned notice for locking and sealing of the premises dated 12.12.2014 in ref.RegionCentral/TPENF/7768/2014 issued by the 3rd respondent and consequently quash the same holding as illegal and ultra vires, thereby forbear the respondents 2 to 4 from initiating any coercive action pending disposal of the revision petitions submitted by the petitioner on 28.08.2014 before the 1st respondent.

For Petitioner : Mr.R.Thiagarajan
For Respondents : Mr.S.T.S.Moorthy
Govt. Pleader for R-1
: Mr.K.Soundararajan
for RR2 to 4

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Learned counsel for the petitioner contends that a revision petition has been filed by the petitioner for exercise of power by the Government under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971. However, it is not disputed before us that the Government would be able to condone only a minor deviation, which is capable of being compounded. Unfortunately, in the present case, the petitioner has not left adequate set-off on one side of the building.

2.On a query, learned counsel for the petitioner cannot substantiate that this would amount to a minor deviation capable of condonation. The solution, thus, for the petitioner is only to carry out rectification in the building, so that the appropriate set-off as per norms is available at site.

3.In view of the aforesaid position, learned counsel for the petitioner states that he will approach the respondent authorities with a plan and a time frame within which he will carry out the necessary rectification in the building. In case such an application is filed, the same would be examined in accordance with law.

4.Writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.No.1 of 2014 stands closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

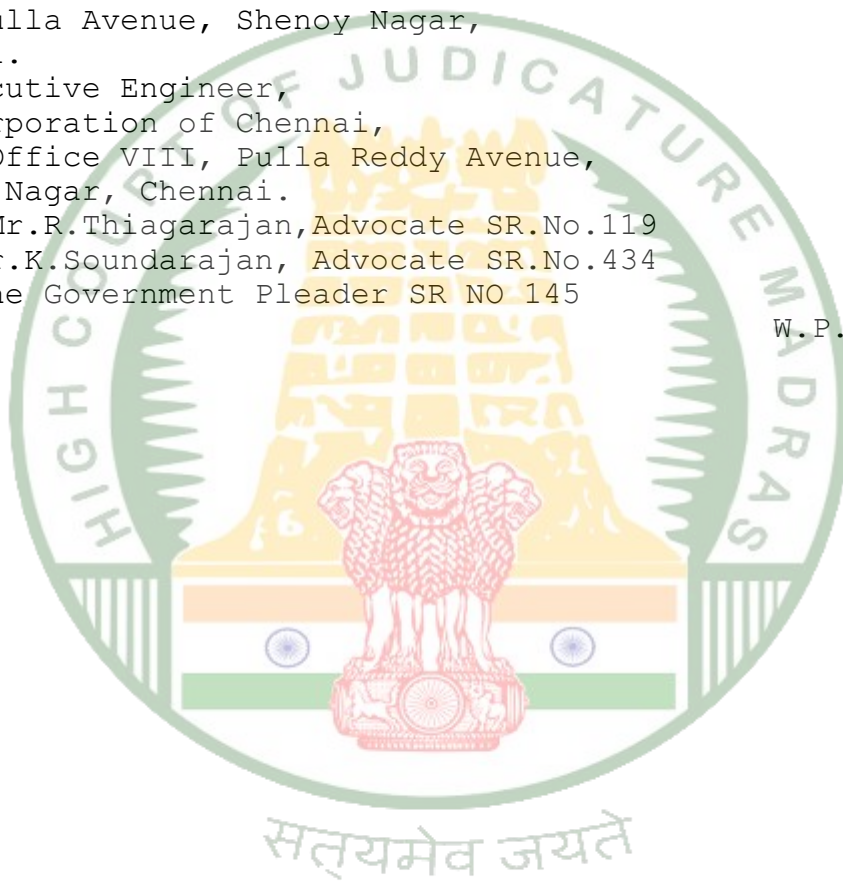
sra

To

- 1.The Secretary to Government,
Housing and Urban Development
Department, Fort St. George,
Chennai.
 - 2.The Commissioner,
Corporation of Chennai,
Ripon Buildings, Park Town, Chennai.
 - 3.The Regional Deputy Commissioner
(Central), Corporation of Chennai,
368, Pulla Avenue, Shenoy Nagar,
Chennai.
 - 4.The Executive Engineer,
The Corporation of Chennai,
Zonal Office VIII, Pulla Reddy Avenue,
Shenoy Nagar, Chennai.
- +3ccs to Mr.R.Thiagarajan,Advocate SR.No.119
+1cc to Mr.K.Soundarajan, Advocate SR.No.434
1 CC to the Government Pleader SR NO 145

W.P.No.35087 of 2014

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