IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P. No.21524 of 2015

J. Rajeshkumar

Petitioner

Vs.

1 The Regional Deputy Commissioner,
Corporation of Chennai (North)
Having Office at No.62 Basin Bridge Road,
Old Washermenpet,
Royapuram, Chennai-600 021.

2 The Executive Engineer,
Enforcement Wing, Zone-V,
Corporation of Chennai,
No.61 Basin Bridge Road,
Chennai- 600 021.

3 The Assistant Executive Engineer,
Division-13 Zone-V,
Corporation of Chennai,
Shanmugam Street, Seven Well,
Chennai-600 001.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to remove the lock and seal of the premises comprised in Shop Nos. 11 & 12, Shanthi Nivas, at No.104/1, Ground Floor, Narayana Mudali Street, Sowcarpet, Chennai-600 079, and permit the petitioner to rectify the deviations within the reasonable time.

For petitioner Ms. S. Meenakumari
For respondents Mrs. Karthikaa Ashok

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ORDER

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

This writ petition is filed seeking a writ of mandamus directing the respondents to remove the lock and seal of the premises comprised in Shop Nos. 11 and 12, Shanthi Nivas, at No.104/1, Ground Floor, Narayana Mudali Street, Sowcarpet, Chennai-600 079, and permit the petitioner to rectify the deviations within a reasonable time.

2 On a perusal of the documents annexed herewith, it is evident that the petitioner was served with a stop work notice on 02.09.2010. Thereafter, locking, sealing and demolition notice was also served on 04.04.2012. Eventually, de-occupation notice was issued on 06.02.2015. In the meantime, at the instance of one Mr.K.R.Ramasamy @ Traffic Ramasamy, a writ petition being W.P.No.16555 of 2014 was filed to take action against the illegal construction in and around Narayan (M) Street, Sowcarpet, Chennai, wherein, this Court, by order dated 07.08.2014, directed the authorities to remove the unauthorised construction. It transpires, as informed by the learned counsel appearing for the Chennai Corporation, that the building in question has been put under lock and seal. Now, the instant writ petition has been filed seeking a direction to the respondents to de-seal and unlock the premises in question, enabling the petitioner to rectify the deviations.

3 As per the provisions of law, if the building in question is locked and sealed, the occupant/owner of the building has remedy before the appellate forum. Thus, at this stage, we are not inclined to pass any order, as the writ petition has been filed without exhausting the statutory remedy available under the law.

4 Accordingly, this writ petition is dismissed reserving liberty to the petitioner to take recourse to the statutory remedy as available under the provisions of law, if so advised. No costs.

-s/d-
Assistant Registrar(CSIV)
dt:21/09/2015

True Copy

Sub-Assistant Registrar

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To

1 The Regional Deputy Commissioner,
Corporation of Chennai (North)
Having Office at No.62 Basin Bridge Road,
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+1 cc to Mr.D.Balachandran, Advocate sr.47040

W.P. No.21524 of 2015

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