

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-7-2015

CORAM:

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

W.P. No.22665 of 2015
M.P.No.1 of 2015

J. Parasmal

... Petitioner

Vs.

1. The Executive Engineer,
Zonal Office-V, Corporation of Chennai,
61, Basin Bridge Road,
Chennai - 600 012.
2. The Assistant Executive Engineer,
U-13, Corporation of Chennai,
Zonal Office-V, Chennai,
61, Basin Bridge Road,
Chennai - 600 012.
3. The Assistant Engineer (AE/DN),
Division-57, Corporation of Chennai,
Zonal Office-V, Chennai,
61, Basin Bridge Road,
Chennai - 600 012.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Certiorarified Mandamus calling for records relating to lock and seal notice dated 11.2.2012 vide Z5/73/12, of the petitioners property locked on 26.7.2014 by the respondents and quash the same and consequently to direct the respondents to remove the lock and seal made to the petitioner's premises bearing Old Door No.1-A, New Door No.13, Narayana Mudali Lane, Sowcarpet, Chennai, to enable the petitioner to modify the building as per sanctioned plan issued by the respondents.

For Petitioner : Mr.D.Senthilkumaar

For Respondents : Mrs.Karthikaa Ashok

O R D E R

(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 at the admission stage itself.

2. Petitioner, stated to be residing at No.57, Thatha Muthiappan Street, Sowcarpet, Chennai, has come up with this petition questioning the legality and validity of the locking and sealing notice dated 11th February, 2012, and for a consequential direction to the respondents to remove the lock and seal made in the petitioner's premises on 26th July, 2014.

3. The learned counsel appearing for the petitioner challenges the validity of the impugned notice dated 11th February, 2012, on several grounds, mainly on the ground that the structure is not unauthorised and is permissible.

4. The learned counsel appearing for the respondents per contra submits that the petitioner was given sufficient opportunity to make rectification of the deviation and also to remove the unauthorised construction, but the petitioner did not pay heed to several notices given by the authorities, and as such the petitioner maynot be granted any indulgence in this petition.

5. Be that as it may, it appears that the petitioner has realised his mistake and made a representation on 10th June, 2015, to de-seal the premises for the purpose of removing the unauthorised construction and to bring the premises in conformity with the approved plan.

6. We are not in a position to take any decision on the basis of the submissions and statements made by the petitioner. However, we direct the authorities concerned to examine the representation of the petitioner dated 10th June, 2015, and if permissible, de-seal the premises for a period of three weeks to enable the petitioner to remove all the unauthorised construction and

also to rectify the deviations. Thereafter, the authority is competent to make an inspection and take appropriate decision and action if necessary, after removal of the unauthorised construction. The entire exercise shall be completed within a period of four weeks from today.

The writ petition stands disposed of accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vr

To

- 1.The Executive Engineer,
Zonal Office-V,
Corporation of Chennai,
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Chennai - 600 012.
- 2.The Assistant Executive Engineer,
U-13, Corporation of Chennai,
Zonal Office-V, Chennai,
61, Basin Bridge Road,
Chennai - 600 012.
- 3.The Assistant Engineer (AE/DN),
Division-57, Corporation of Chennai,
Zonal Office-V, Chennai, 61,
Basin Bridge Road,
Chennai - 600 012.

+1cc to M/s.Karthikaa Ashok, Advocate, S.R.No.38471
+2cc's to Mr.D.Senthil Kumar, Advocate, S.R.No.38696

KM(CO)
CA(10/08/2015)

W.P. No.22665 of 2015