

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2015

CORAM

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

THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P.No. 26229 of 2014 and M.P.Nos.1 & 2/2014.

1. Mrs. Hasina Kareem

2. Mrs. Suraiya Salim

3. Mrs. Mumtaz Meeran

... Petitioners

Vs.

1. The Government of Tamil Nadu,
rep. By its Principal Secretary,
Housing and Urban Development Department,
Fort St. George, Chepauk,
Chennai 600 009.

2. The Chennai Metropolitan Development Authority,
rep. By the Member Secretary,
Having his office at
Thalamuthu Natarajan Building,
No.1 Gandhi Irwin Road, Egmore,
Chennai 600 008.

3. Mrs. Indira Kandasamy,
Prop. Anjappar Hotels,
Door No.28 Iyya perumal Street,
Balaji Nagar, Royapettah, Chennai.14.

(R3 impleaded as per order dated 9.10.2014
in MP No.3/2014)

... Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus call for the records relating to the order passed by the 2nd respondent in his proceedings dated 30.8.2011 issued under sub section (1) and (2-A) of Section 56 read with section 85 of The Town and Country Planning Act and the consequential notice dated 30.10.2013 issued under section 57 read with section 85 of the Town

and Country Planning Act and quash the said notices in so far as it relates to the premises bearing Door No.E-30 Meeran Flats, II Avenue, Besant Nagar, Chennai-600 090 and direct the 2nd respondent to remove the seal affixed in the premises bearing Door No.E-30, Meeran Flats, II Avenue, Besant Nagar, Chennai-600 090 forthwith.

For Petitioners : Mr. Raja Kalifullah,
S.C for M/s.Thenmozhi, C.A.Prabhakar

For Respondents : Mr. P.S.Sivashamugasundaram
Spl. Govt. Pleader - R1

Mr. C. Johnson - R2

No Appearance - R3

ORDER

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

This writ petition is filed to quash the order dated 30.8.2011 passed by the second respondent and the consequential order dated 30.10.2013 and also direct the second respondent to remove the seal affixed insofar as it relates to the property bearing Door No.E-30, Meeran Flats, II Avenue, Besant Nagar, Chennai-600 090, forthwith.

2. Learned counsel appearing for the petitioners submits that the petitioners do not want to question the legality and validity of the impugned notice dated 30.8.2011, at this stage. Now, the petitioners seek only a permission to remove the deviations and to demolish the unauthorised construction within a specified time to bring the construction in accordance with the approval or permission, if any. The petitioners are further ready and willing to give an undertaking to that effect.

3. Learned counsel appearing for the second respondent submits that the second respondent will consider the undertaking to be given by the petitioners and permit them to remove the deviations and demolish the unauthorised constructions, within a period of two weeks from the date of their submitting the undertaking.

4. In view of the above said submissions, the petitioners are permitted to submit their undertaking and rectify the defects or deviations and thereafter, the authorities concerned are at liberty to make a fresh inspection of the premises in question and if it is found that the premises is in order, the petitioners may be permitted to use the same in accordance with law. The third respondent-tenant

is also permitted to remove his articles/goods lying inside the premises in question.

5. This writ petition is disposed of with the above observations and directions. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ra
To

1. The Principal Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chempauk,
Chennai 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1 Gandhi Irwin Road, Egmore,
Chennai 600 008.

1 cc to Mrs.Thenmozhi,Advocate, SR.No.21258
1 cc to Mr. C.Johnsan,Advocate, SR.No.21342
1 cc to Government Pleader,Sr.No21414

W.P.No. 26229 of 2014

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