

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.2.2015

CORAM:

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

W.P. No. 2352 of 2015

1. Radha Agarwal
2. Lalitha Agarwal

Petitioners

Vs.

1. The Corporation of Chennai,
rep. By its Commissioner,
Ripon Buildings,
Chennai 600 003.
2. Corporation of Chennai,
rep. By its Executive Engineer-VII,
Zone VII, Division 100,
Choolai, Chennai.112.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to consider the removal of Lock and Seal affixed on 20.1.2015 to the premises at Door No.97 Astabujam Road Choolai Chennai-112 on the representation of the petitioners dated 21.1.2015 so as to enable the petitioners to rectify and remove the deviation and bring the building in conformity to the Sanction Plan and of the Development Control Regulation as applicable under the 2nd Master Plan expeditiously.

For petitioners : Mr. G E. Martin Jeyakumar

For respondents : Mr. A. Nagarajan

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ORDER

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

With the consent of the learned counsel on either side, 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 respondents herein to remove the lock and seal forthwith, to enable the petitioners to rectify the deviations in the constructions put up at Door No. 97, Astabujam Road, Choolai, Chennai 600 112, on the basis of their representation.

3 The petitioners are the joint owners of the premises situated at D.No. 97, Astabujam Road, Choolai, Chennai 600 112. They applied and obtained sanction for construction of stilt cum ground floor + two floors from the respondents and put up construction accordingly. While putting up construction, some additions and alterations were made within the approvable limit. Pending regularisation with regard to additions and alterations, locking and sealing notice dated 6.4.2013 was issued and the respondents had sealed the premises on 20.1.2015. Though notice was issued in the year 2013, there was no action for more than two years by the respondents. As the stocks, office materials and perishable goods, which belonged to other tenants are inside the building, immediately, on 21.1.2015, the petitioners made representation to the first respondent to remove the lock and seal, atleast for the approved floors and also agreed to rectify the deviations. The respondents had refused to desal the premises. Hence, the present writ petition.

4 The learned counsel for the petitioners submitted that the petitioners are ready and willing to rectify the deviations 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 petitioners are given liberty to make an application before the first respondent with a request to permit them to demolish the unauthorised structure. In case, any such application is given, the first respondent is directed to grant permission for the purpose of demolishing the unauthorised structure. The petitioners are granted eight weeks' time to rectify the deviations. After the petitioners demolish the unauthorised structure, the first 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, the first respondent shall

not process the matter further. In case, the unauthorized structure is not removed within the time given, the first respondent is permitted to take further action, in accordance with law.

6 The writ petition is disposed of with the above directions. No costs. Consequently connected miscellaneous petition is closed.

ra

-s/d-

Assistant Registrar(CO)

Dt:4/2/2015

True Copy

Sub-Assistant Registrar

To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003.

2. Executive Engineer-VII,
Corporation of Chennai,
Zone VII, Division 100,
Choolai, Chennai.112.

+ 1 cc to Mr.A.Nagarajan, Advocate SR 5087

+ 1 cc to Mr.E.Martin Jayakumar, Advocate SR 5326

mg(co)
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W.P. No.2352 of 2015

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