

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2015

CORAM

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

W.P. No.26855 of 2015
and
M.P.No.1 of 2015

A.Justine Santhanam .. Petitioner

Vs.

- 1.The Executive Engineer-Ambattur Zone,
The Corporation of Chennai,
Ripon Building, Chennai-600 003.
- 2.The Commissioner,
The Corporation of Chennai,
Ripon Building, Chennai-600 003.
- 3.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008. ... Respondents

The writ petition is filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent herein to de-seal the property being Door No.325/3, Old MTH Road, Venkatapuram, Ambattur, Chennai-600 053, comprises in Old S.No.634/4, T.S.No.102/2, Block No.22 of Ambattur Village, Ambattur Taluk, Tiruvallur District and permit the petitioner to rectify the deviations within reasonable time.

For petitioner : Mr.Ralph V.Manohar

For Respondents : Mr.V.C.Selvasekaran for RR1 and 2
Mr.C.Johnson for R3

ORDER

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

Pursuant to the Locking, Sealing and Demolition notice dated 3rd September, 2014, issued under Section 57 read with Section 85 of the

Town and Country Planning Act, 1971, the premises at No.325, Old MTH Road, Venkatapnam, Ambattur, Chennai-600 053 in Zone-7, Division-81, has been sealed. Initially, the stop work notices dated 20th August 2014 and 27th August, 2014, calling upon for approved plan were issued. After serving the aforesaid locking, sealing and demolition notice, dated 3rd September, 2014, a de-occupation notice dated 17th November, 2014, calling upon the petitioner to discontinue the occupation of the premises was issued, leading to sealing of the premises.

2 After the premises in question is sealed, the occupant / owner is entitled to prefer a statutory appeal. It is not clear from the pleadings as to whether any appeal, after sealing of the premises, was filed. The petitioner has come up with this petition seeking a direction to the first respondent to de-seal the premises in question and to permit him to rectify the deviation.

3 The learned counsel appearing for the Corporation submits that the petitioner has made excess construction to an extent of 543 sq.ft. unauthorisedly on the ground floor and the rectification is not feasible. The petitioner is required to remove the unauthorised construction by demolition and as such, the petition for rectification may not be considered.

4 We have examined all facts of the case, perused the pleadings and documents.

5 It is noticed that the petitioner has been given notices on various dates, as aforesaid. The petitioner had shown no regard to the laws, as prescribed under the provisions of the Tamil Nadu Town and Country Planning Act as well as other building laws. The unauthorised construction cannot be permitted to stand, which is undeniably and indisputably erected without prior approval.

6 As a sequel, the writ petition is bereft of merit and accordingly, the same is dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

vvk

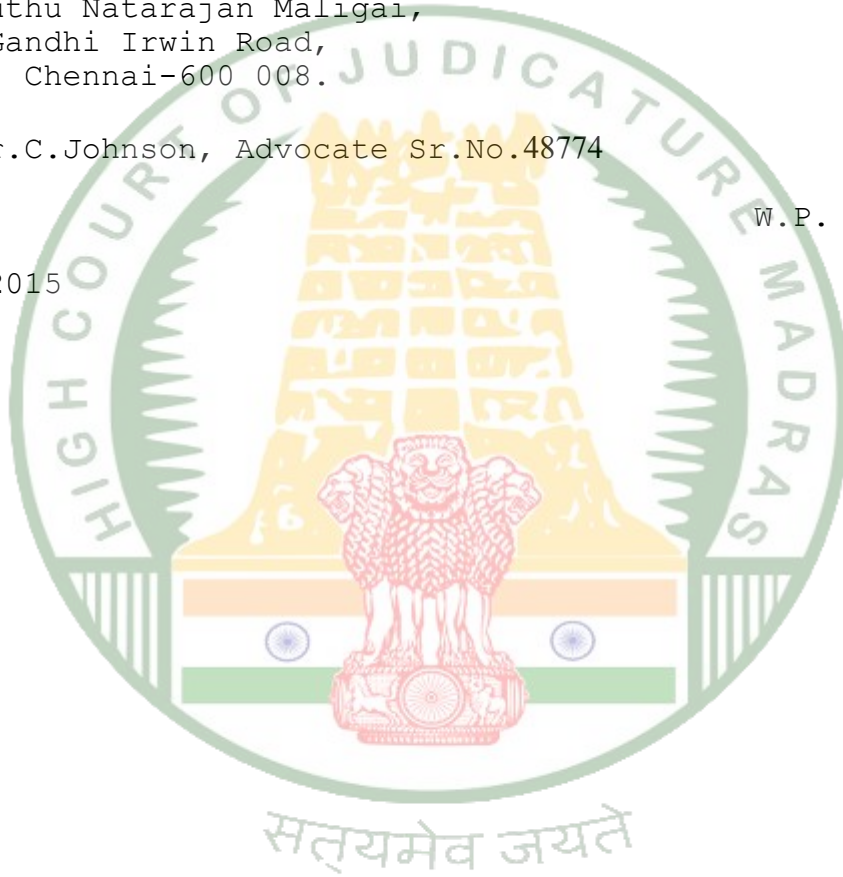
To

- 1.The Executive Engineer-Ambattur Zone,
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- 2.The Commissioner,
The Corporation of Chennai,
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- 3.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

1 cc to Mr.C.Johnson, Advocate Sr.No.48774

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pmk.28.9.2015

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