

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2015

CORAM:

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

W.P. Nos.27319 and 27320 of 2015 and M.P. Nos.1 of 2015

J. Meenakshi @ J. Meenakshi Ammal Petitioner in WP No.27319/15

N.R. Jayanthi @ Jayanthi Ammal Petitioner in WP No.27320/15

vs.

- 1 The Commissioner
Corporation of Chennai
Ripon Buildings
Park Town
Chennai 600 003
- 2 The Assistant Commissioner
Office of the Assistant Commissioner
Zone X, Corporation of Chennai
No.117, NSK Salai
Kodambakkam
Chennai 600 024
- 3 The Zonal Officer
Zone X, Corporation of Chennai
No.117, NSK Salai
Kodambakkam
Chennai 600 024
- 4 The Executive Engineer
Zone X, Corporation of Chennai
No.117, NSK Salai
Kodambakkam, Chennai 600 024
- 5 R. Sivanesan
- 6 Purpletree Holdings (P) Ltd.
having its place of Office at
No.10, Prakasam Street 1st Lane
T. Nagar
Chennai 600 017

Respondents

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to invoke further provision/action in pursuance of the notice of lock and seal and demolition dated 06.11.2014 issued by the respondents 1 to 4 to the fifth respondent pertaining to the property bearing No.12/18, Andavar Nagar III Street, Kodambakkam, Chennai 600 024.

For petitioner Mr. G. Mohanarangan
in both the WPs

For RR 1-4 Mr. V.C. Selvasekaran
in both the WPs Standing Counsel

For RR 5 & 6 Mr. J. Jayaprakash
in both the WPs

COMMON ORDER

(made by SATISH K. AGNIHOTRI, J.)

With consent, the writ petitions are taken up for final disposal.

2 These writ petitions are filed seeking a writ of mandamus directing the respondents 1 to 4 to invoke further provision/action in pursuance of locking, sealing and demolition notice dated 06 November 2014 issued by respondents 1 to 4 to the fifth respondent pertaining to the property bearing No.12/18, Andavar Nagar III Street, Kodambakkam, Chennai 600 024.

3 Pursuant to the notice dated 02 September 2015 of this Court, the second respondent, viz., The Assistant Commissioner, Zone X, Corporation of Chennai, has filed a counter affidavit stating that the private respondents had rectified the deviated/unauthorised portion in question and the relevant paragraph of the said counter affidavit reads as under:

"The 5th and 6th respondents had rectified the deviated/unauthorised portion in the suit site as assured by them before the EE, Enforcement dated 03.12.2014. The unauthorised/deviated portion has been demolished by the builder, the 6th respondent herein on 07.07.2015. After the demolition, the officials of Chennai Corporation inspecting the suit site on 07.09.2015 and the details are furnished below:

S.No.	Description	As per Regularisation plan	As on site
1	Front Set Back	1.48 m	1.48 m
2	Side Set Back 1	1.45 m	1.45 m
3	Side Set Back 2	1.25m 1.07m	1.25m 1.35m
4	Rear Set Back	1.04m 0.76m	1.09m 1.15m

In future, if any deviation/unauthorised construction found, due action against the unauthorised construction will be taken as per due process of law."

4 In view of the above position, nothing survives for adjudication in these writ petitions and the writ petitions are accordingly disposed of. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

cad

To

1 The Commissioner
Corporation of Chennai
Ripon Buildings
Park Town
Chennai 600 003

2 The Assistant Commissioner
Office of the Assistant Commissioner
Zone X, Corporation of Chennai
No.117, NSK Salai
Kodambakkam
Chennai 600 024

3 The Zonal Officer
Zone X, Corporation of Chennai
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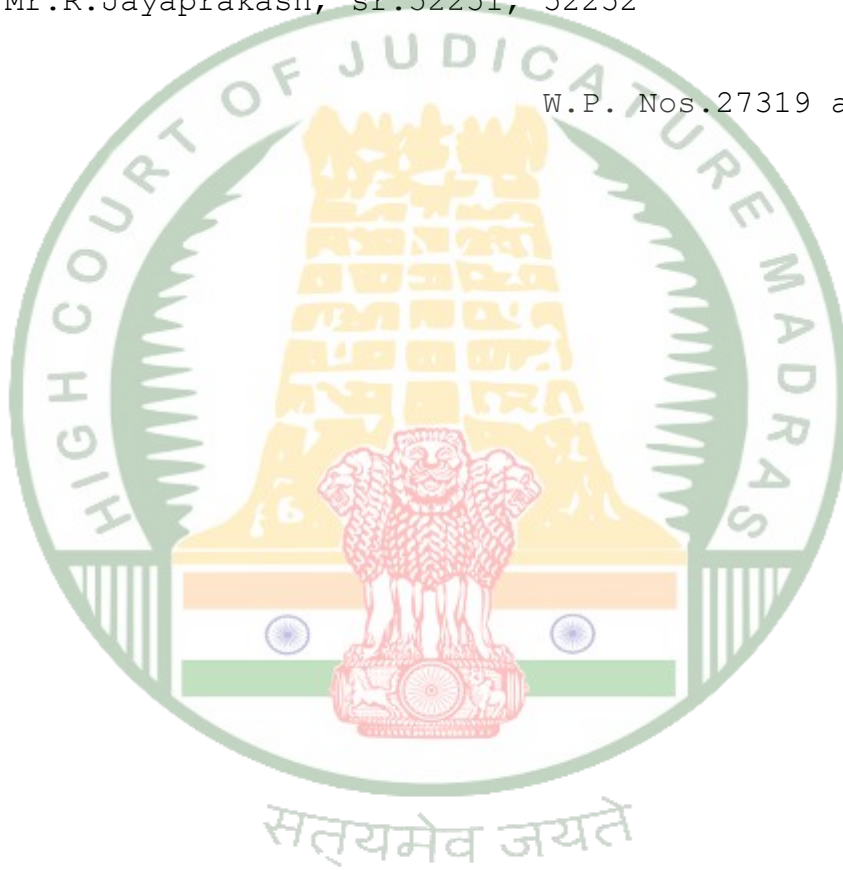
4 The Executive Engineer
Zone X, Corporation of Chennai
No.117, NSK Salai
Kodambakkam, Chennai 600 024

+1 cc to Mr.Mohanaranga, Advocate, sr.52102

+2 ccs to Mr.R.Jayaprakash, sr.52251, 52252

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