

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P.No.2819 of 2015
and M.P.Nos.1 and 2 of 2015

R.Uttam Chand Jain

... Petitioner

vs.

1. The Secretary to Government of Tamil Nadu,
Housing and Urban Development,
Secretariat,
Chennai - 600 009
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai - 600 008,
3. The Commissioner,
Corporation of Chennai,
E.V.R.Salai, Ripon Buildings,
Chennai - 600 003,
4. The Executive Engineer (Zone-V),
Corporation of Chennai,
Choolaimedu,
Chennai - 600 094,

5. T.Sathiah

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking for the relief of issuance of writ of certiorarified mandamus to call for the entire records of the 1st respondent in Letter No.27017/UD-VI/2012-6 dated 30.04.2013 and quash the same and consequently direct the respondents 3 and 4 to demolish the entire

illegal construction put up by the 5th respondent in respect of the premises bearing New Door No.27 (old No.60) Bajanai Koil Street, DN-77, Unit 15, Zone 5, Choolaimedu, Chennai - 94, by taking the assistance of the Police force, if necessary, pursuant to the demolition notice letter no.77/11 dated 08.07.2011 issued by the 4th respondent.

For petitioner : Mr.M.Dhandapani

For respondents : Mr.P.S.Sivashanmugasundaram, Spl.G.P.
for R1
Mr.N.Sampath for R.2
Mr.G.Anantharangan for RR.3 and 4

ORDER

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

The petitioner seeks writ of certiorarified mandamus to call for the entire records of the 1st respondent in Letter No.27017/UD-VI/2012-6 dated 30.04.2013 and quash the same and consequently direct the respondents 3 and 4 to demolish the entire illegal construction put up by the 5th respondent in respect of the premises bearing New Door No.27 (old No.60) Bajanai Koil Street, DN-77, Unit 15, Zone 5, Choolaimedu, Chennai - 94, by taking the assistance of the Police force, if necessary, pursuant to the demolition notice letter no.77/11 dated 08.07.2011 issued by the 4th respondent.

2. Heard the learned counsel for the parties, perused the pleadings and documents appended thereto.

3. Pursuant to our notice dated 05.02.2015, the 1st respondent has filed a counter affidavit dated 31.3.2015 stating as under:

'8. With reference to the averments made in para 12 of the affidavit, it is humbly submitted before the Hon'ble High Court that appeal filed under Section 79 was converted under Section 80-A only due to the fact that the building was under lock and seal and due to large scale violations, building could not have been regularized and only way out was to de-seal the building and allow the petitioner therein to carry out rectification work. Now that he has not carried out the rectifications, earlier orders of de-sealing has been revoked and corporation asked to seal the building again and take further enforcement action.'

4. In view of that, no further adjudication is required at this stage. The Corporation of Chennai is directed to take necessary steps as early as possible, preferably within a period of one week from today.

The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government of Tamil Nadu,
Housing and Urban Development,
Secretariat,
Chennai - 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai - 600 008.
3. The Commissioner,
Corporation of Chennai,
E.V.R.Salai, Ripon Buildings,
Chennai - 600 003.
4. The Executive Engineer (Zone-V),
Corporation of Chennai,
Choolaimedu,
Chennai - 600 094.

+1cc to Mr.N.Sampath, Advocate, S.R.No.18820

+2cc's to Mr.M.Karthikeya Narayanan, Advocate, S.R.No.18774

+1cc to Mr.G.Anantharangan, Advocate, S.R.No.19105

+1cc to the Government Pleader, S.R.No.18986

W.P.No.2819 of 2015
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GR(CO)
CA(09/04/2015)