

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P.No.30681 of 2015

K. Mariappan

..Petitioner

Vs

- 1 The Commissioner
Corporation of Chennai, Rippon Building,
Chennai - 600 003.
- 2 The Regional Joint Commissioner,
Corporation of Chennai,
(Enforcement -Region-Central),
Rippon Building, Chennai-3
- 3 The Executive Engineer
Corporation of Chennai (Enforcement-Region-
Central) Regional Office -Central,
2nd Cross Street (East) Pulla Awanue,
Shenoy Nagar
Chennai - 600 024

... Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus directing the respondents to forthwith remove the lock and seal in respect of the premises at No.38 Kodambakkam Road, West Mambalam, Chennai-33 so as to enable the petitioner to rectify and restore the said premises as per the Development Rules and Regulations on the basis of the representation dated 10.8.2015.

For Petitioner : Mr. L. Chandrakumar

For Respondents: Mr.R.Arunmozhi

ORDER

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

Mr.R.Arunmozhi, learned counsel, accepts notice for the respondents. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2. On a perusal of the documents annexed herewith, it is evident that the petitioner was served with a stop work notice on 26.11.2013. Thereafter, locking, sealing and demolition notice was also served on 20.11.2014. Again, yet another demolition notice was issued on 01.04.2015. In the meantime, at the instance of one Mr.K.R.Ramasamy @ Traffic Ramasamy, a writ petition being W.P.No.16555 of 2014 was filed to take action against the illegal construction in and around Narayan (M) Street, Sowcarpet, Chennai, wherein, this Court, by order dated 07.08.2014, directed the authorities to remove the unauthorised construction. It transpires, as informed by the learned counsel appearing for the Chennai Corporation, that the building in question has been put under lock and seal. Now, the instant writ petition has been filed seeking a direction to the respondents to de-seal and unlock the premises in question, enabling the petitioner to rectify the deviations.

3. As per the provisions of law, if the building in question is locked and sealed, the occupant/owner of the building has remedy before the appellate forum. Thus, at this stage, we are not inclined to pass any order, as the writ petition has been filed without exhausting the statutory remedy available under the law.

4. Accordingly, this writ petition is dismissed reserving liberty to the petitioner to take recourse to the statutory remedy as available under the provisions of law, if so advised. Further, it is made clear that if the petitioner makes an application, before the appellate Authority, seeking permission to rectify the deviations, it is open to the Appellate Authority to consider and pass orders, on merits and in accordance with law. No costs.

ra.

Sd/-

Assistant Registrar (CS.III)

/True Copy/

Sub-Assistant Registrar

To

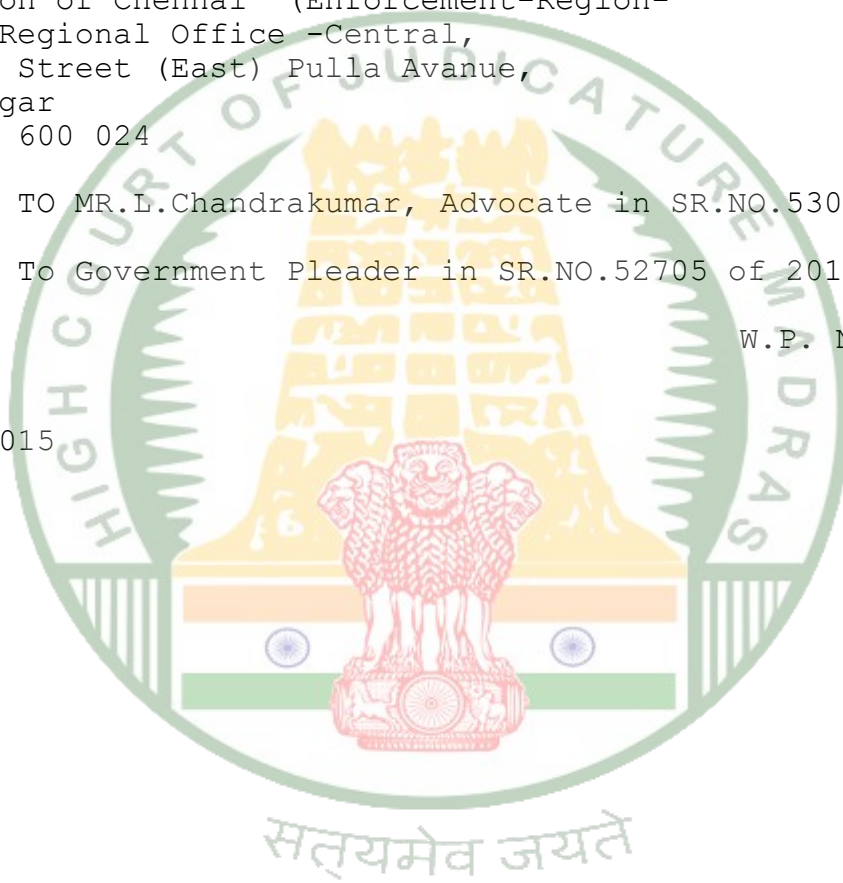
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+1 C.C. TO MR.L.Chandrakumar, Advocate in SR.NO.53008 of 2015

+1 C.C. To Government Pleader in SR.NO.52705 of 2015

W.P. No.30681 of 2015

KGK (CO)
sd : 15/10/2015



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