

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.35936 of 2015

M. Vanitha

Petitioner

Vs

- 1 The Member Secretary,
Chennai Metropolitan Development
Authority (CMDA),
Thalamuthu Natarajan Building,
No.1 Gandhi Irwin Road,
Egmore, Chennai 600 008.

2. The Regional Deputy Commissioner,
Chennai Corporation (North Zone),
No.62 Basin Bridge Road,
Old Washermenpet, Chennai.21.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to consider the representation of the petitioner dated 06.10.2015 for removal of the Lock and Seal affixed on the premises bearing New No.1115 Poonamallee High Road, Chennai-600 003 in R.S.No.85/1 and 85/2 Block No.9 of Veppery Village so as to enable the petitioner to rectify and demolish the 3rd and 4th floor of the premises and bring the same in conformity to the development regulations of the Chennai Metropolitan Development Authority.

For petitioner
For respondents

Mrs. S. Meenakumari
Mr. K. Raja Srinivas - R1
Mr. V.C. Selvasekaran - R2

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. K. Raja Srinivas, learned counsel , accepts notice for the first respondent. Mr. V.C. Selvasekaran, learned counsel,

accepts notice for the second respondent. 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 This writ petition is filed seeking a direction to the respondents to consider the petitioner's representation dated 06.10.2015 for removal of the lock and seal affixed on the premises bearing New No.1115, Poonamallee High Road, Chennai, so as to enable the petitioner to rectify and demolish the 3rd and 4th floors of the premises in question.

3 Indisputably, as pleaded by the learned counsel for the petitioner, the third and fourth floors have been constructed unauthorisedly in the premises in question, without approval. Accordingly, the premises in question has been put under lock and seal by the first respondent. The petitioner seeks a direction to the authority to remove the lock and seal to enable her to demolish the unauthorised construction and restore the premises in accordance with the approved plan.

4 Mr. K. Raja Srinivas, learned counsel appearing for the first respondent fairly submits that the premises in question will be de-sealed and unlocked for a period of one week to enable the petitioner to remove the unauthorised construction.

5 Considering the submissions advanced by the learned counsel for the parties, we are of the considered view that after the unauthorised portion is demolished/removed, the authorities concerned shall have an inspection again and if it is found that the premises is restored as per the approved plan, no further action is required to be taken. In the event, some unauthorised portion or deviation still persists, the authorities are required to lock and seal the premises again.

6 This writ petition is disposed of with the above observation. No costs.

ra

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1 The Member Secretary,
Chennai Metropolitan Development
Authority (CMDA),
Thalamuthu Natarajan Building,
No.1 Gandhi Irwin Road,
Egmore, Chennai 600 008.

2. The Regional Deputy Commissioner,
Chennai Corporation (North Zone),
No.62 Basin Bridge Road,
Old Washermenpet, Chennai.21.

+ 1 cc to M/s.K.Rajashrinivas, Advocate SR 61683

+ 1 cc to M/s.D.Balachandran, Advocate SR 60857

vs (co)
prk26/11

W.P. No.35936 of 2015



WEB COPY