

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.35957 of 2015

Shabbir Diwan

... Petitioner

Vs.

1. The State of Tamil Nadu
rep. by its Secretary,
Housing and Urban Development
Department, Fort St. George,
Chennai - 9.

2. Chennai Metropolitan Development
Authority rep. by its
Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.

3. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai - 3.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to forthwith remove the lock and seal in respect of the premises at New No.87, Old No.42, Armenian Street, Chennai - 1 in so far as the ground floor of the said premises is concerned, so as to enable the petitioner to rectify and restore the said premises in conformity to the sanctioned plan on the basis of the representation dated 23.09.2015.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.P.S.Sivashanmugha Sundaram,
Special Government Pleader for R1
Mr.K.Raja Srinivas for R2
Mr.R.Arunmozhi for R3

ORDER

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

Mr. P.S.Sivashanmugha Sundaram, learned Special Government Pleader accepts notice for the first respondent. Mr.K.Raja Srinivas, learned Standing Counsel takes notice for the second respondent and Mr.R.Arunmozhi, learned Standing Counsel accepts notice for the third respondent. Thus, 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. Seeking a direction to the respondents to remove the lock and seal in respect of the premises at New No.87, Old No.42, Armenian Street, Chennai - 1 insofar as the ground floor of the said premises, so as to enable the petitioner to rectify and restore the said premises in conformity with the sanctioned plan on the basis of the representation dated 23 September 2015, the present writ petition has been filed.

3. It is stated by the learned counsel appearing for the petitioner that the ground floor, approved for stilt construction, was converted by the petitioner as residential premises. After stop work notice dated 20 March 2015, the Locking and Sealing cum De-occupation Notice was issued on 14 July 2015. The petitioner has preferred an application under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971. However, the petitioner intends to remove the deviation and unauthorised construction. Thus, a direction be issued to the second respondent to de-seal the premises and permit the petitioner to remove the deviation and unauthorised construction to restore the premises as per the approved plan.

4. Mr.K.Raja Srinivas, learned Standing Counsel appearing for the second respondent submits that after de-sealing and unlocking, the petitioner will be given one week time to do the needful.

5.We have considered the case from all angles.

6.In view of the submission advanced by the learned counsel for the parties, the second respondent is directed to de-seal the premises for a period of one week enabling the petitioner to remove the deviation and unauthorised construction. Thereafter, the second respondent shall have the site inspection and if the property in question is found in order, no further action is required. If the deviation and unauthorised construction still continues, the authorities are directed to seal it again.

7.With the above direction and observation, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Housing and Urban Development
Department, Fort St. George,
Chennai - 9.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.
3. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai - 3.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.61083

+1cc to Mr.K.Raja Srinivas, Advocate, S.R.No.61685

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UG(CO)

CA(18/11/2015)