

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.3962 of 2015

S.A. Gunasekaran

Petitioner

vs.

1 The Commissioner
Corporation of Chennai
Ripon Buildings
Madras 600 003

2 The Executive Engineer
Corporation of Chennai
Zone 3, Division - 22
Madhavaram Zonal Office
Madras 600 060

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 06.01.2015 and acknowledged by the respondents on 08.01.2015 in accordance with law and on merits and further, direct the respondents herein to remove the lock and seal put by the second respondent herein in his proceedings Letter No.D22/003/2014 dated 29.09.2014 issued under Section 56 read with Section 85 of the Town and Country Planning Act, 1971, with regard to construction put up at Plot No.17 part, Ground Floor, Subramania Nagar, Vinayagapuram, Kadhirvedu, Madras 600 099 comprised in S.No.16/3 of Kadhirvedu Village, Madhavaram Taluk, Tiruvallur District, so as to enable the petitioner to carry out the removal of violations and rectify the deviations in the constructions.

For petitioner Mr. S. Kasirajan

For respondents Mr. G. Anantharangan
Standing Counsel

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ORDER

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

Mr. G. Anantharangan, learned Standing Counsel, accepts notice for the respondents.

2 The petitioner has primarily sought a writ of mandamus directing the respondents to consider and pass orders on his representation dated 06.01.2015 in accordance with law and on merits, which arose from the orders dated 29.09.2014 and 28.11.2014 passed by the Corporation authorities.

3 By order dated 29.09.2014 issued under Section 56 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act"), the petitioner was called upon to restore the land in question to its condition within 30 days from the date of receipt of the said notice. The petitioner was again issued a de-occupation notice under Section 56(2)(iii) and 2A of the Act on 28.11.2014, calling upon him to discontinue the occupation of the premises within 15 days from the date of receipt of the said notice.

4 It appears that the petitioner has not responded either to the first notice dated 29.09.2014 or to the subsequent notice dated 28.11.2014. After about 40 days, the petitioner makes a representation on 06.01.2015, seeking a direction to the authorities to permit him to remove the deviations. After filing a representation belatedly, the petitioner has come up with this writ petition to defeat the very object of lock and seal notice dated 29.09.2014 and the subsequent de-occupation notice dated 28.11.2014. This is tantamount to perpetuation of the illegality perpetrated by the petitioner.

5 At this stage, we are not inclined to go into the merits of the case. Once a notice has been issued under Section 56(2)(iii) and 2A of the Act, the only course open to the petitioner is either to approach the appellate authority under the provisions of law or to restore the premises to its original position. But, the petitioner has failed to do either.

6 In view of the above, we are of the considered view that the writ petition is devoid of any merit. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar

Dated:24.2.15

True Copy

Sub Assistant Registrar

To

- 1 The Commissioner
Corporation of Chennai
Ripon Buildings
Madras 600 003
- 2 The Executive Engineer
Corporation of Chennai
Zone 3, Division - 22
Madhavaram Zonal Office
Madras 600 060

+1 cc to M/s.Azhagu Shivanandan, Advocate,SR.8276

+1 cc to M/s.G.Anantharangan, advocate,SR.8652.

rsk(co)
krd 25/2

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