

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2015

CORAM:

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

W.P. No.40136 of 2015

1 K.A. Yacoob Ali
2 K.Y. Absai Ahmed
3 K.Y. Ahmed Rasheed

Petitioners

Vs.

1 The Government of Tamil Nadu
represented by Secretary
to the Government
Housing and Urban Development
Department
Fort St. George, Chennai 600 009
2 Chennai Metropolitan
Development Authority
represented by its Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
3 The Commissioner
Corporation of Chennai
Ripon Buildings, Chennai 600 003

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to forthwith remove the lock and seal in respect of the premises at New No.32, Old No.101, Armenian Street, Chennai - 1 situate in R.S. No.5072/2, Block 46, V.O.C. Nagar Village, Division 60, zone 05 of Chennai City so as to enable the petitioner to rectify the deviations and violations and restore the said premises in conformity with the sanctioned plan granted by Chennai Corporation dated 10.04.2013 on the basis of the petitioner's representation dated 23.11.2015 within a reasonable time.

For petitioners Mr. K. Venkataramani, Sr. Counsel

for Mr. A. Shaik Pareeth

For R1 Mr. N. Sakthivel, Govt. Advocate

For R2 Mr. K. Raja Srinivas, Standing Counsel

For R3 Mr. A. Nagarajan, Standing Counsel

O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the first respondent. Mr. K. Raja Srinivas, learned Standing Counsel, accepts notice for the second respondent. Mr. A. Nagarajan, learned Standing Counsel, accepts notice for the third 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 writ of mandamus directing the respondents to forthwith remove the lock and seal in respect of the premises at New No.32, Old No.101, Armenian Street, Chennai - 1 situate in R.S. No.507/2, Block 46, V.O.C. Nagar Village, Division 60, Zone 05 of Chennai City so as to enable the petitioners to rectify the deviations and violations and restore the said premises in conformity with the sanctioned plan dated 10 April 2013 granted by Chennai Corporation on the basis of the petitioners' representation dated 23 November 2015 within a reasonable time.

3 The learned Senior Counsel appearing for the petitioners submits that pursuant to the notice dated 20 February 2015, the petitioners have preferred an application on 03 March 2015 under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act"). Subsequently, the petitioners decided to withdraw the said application and rectify the deviations and remove the unauthorised construction, if any, to bring the building in accord with the approved plan. Accordingly, a representation was made by the petitioners on the 23rd ultimo to de-seal the premises to enable them to rectify the deviations at the earliest. Since there has been no response from the authorities, the petitioners have come up with the instant writ petition.

4 The learned Standing Counsel for the second respondent submits that the aforestated representation shall be examined and appropriate orders on the same will be passed within a period of two weeks.

5 In view of the above submission of the learned Standing Counsel for the second respondent, it is ordered accordingly. We make it clear that after the time granted for removal of the unauthorised portion and rectification of the deviations, the second respondent shall cause a spot inspection once again and take consequential action on merits and in accordance with law.

The writ petition stands disposed of with the above directions.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Secretary to the Government
Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George, Chennai 600 009
- 2 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
- 3 The Commissioner
Corporation of Chennai
Ripon Buildings, Chennai 600 003

+1cc to Mr.N. Nagarajan, Advocate, S.R.No.69041
+1cc to Mr.K. Raja Srinivas, Advocate, S.R.No.69049
+1cc to the Government Pleader, S.R.No.69261
+1ccs to M. Muthappan, Advocate SR.68912

PPA(CO)
EU(06/01/2015)

सत्यमेव जयते

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