

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-12-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE DR.JUSTICE P.DEVADOSS

WRIT PETITION No.40459 of 2015

Mohammed B.J. Bakir

.. 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 600 021
- 3.The Executive Engineer
Zone V, No.62, Basin Bridge Road
Chennai 600 021

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to consider and pass orders on the representation of the petitioner dated 25.9.2015, for removal of the lock and seal affixed on the premises bearing Door No.86, Prakasam Salai (Broadway Road), Chennai 600 001, so as to enable the petitioner to demolish the entire building and reconstruct as per the norms of Chennai Metropolitan Development Authority.

For Petitioner : Ms.S.Meenakumari

For Respondents : Mr.K.Raja Srinivas for R1

Mr.A.Nagarajan for RR2 & 3

ORDER

(Order of the Court was made by M.SATHYANARAYANAN, J.)

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims to have purchased the superstructure in Door No.86, Prakasam Salai (Broadway), Chennai 1, admeasuring to an extent of 750 square feet, vide registered sale deed of the year 2014, and according to him, he was not aware of the deviation in the construction put up by his vendor, and to his shock and surprise, was issued with a lock and seal notice vide letter dated 9.3.2015, by the third respondent and the building was sealed by the Chennai Metropolitan Development Authority (CMDA) on 3.7.2015, and thereafter, he has submitted a representation dated 3.7.2015, to the third respondent praying for removal of lock and seal affixed on the premises at Door No.86, Prakasam Salai (Broadway), Chennai 1, and since it was not disposed of, has approached this Court by filing W.P.No.20408 of 2015, and this Court vide final order dated 9.7.2015, has taken note of the submission of the learned Counsel appearing for the petitioner, that the petitioner is ready and willing to demolish the unauthorised portions for the purpose of restoring the building to it's original position and disposed of the writ petition by granting eight weeks' time to him to demolish the unauthorised structure and thereafter, directed the first respondent to inspect the building once again to confirm as to whether the unauthorised structure has been removed and also issued certain directions.

3.It is further averred by the petitioner that the first respondent vide letter dated 21.7.2015, in compliance of the above said order, has called upon the petitioner to remit a sum of Rs.50,375/- for the purpose of de-sealing the portions, and the petitioner having found that the cost of making good the deviation in construction, is more than the demolishing the entire superstructure and putting up a new building, approached the respondents 1 and 2 once again in the form of representation dated 25.9.2015, praying for permission to demolish the entire superstructure and also for approval for his revised plan and permission to reconstruct as per the approved plan, and though the said representation was received and acknowledged, it is yet to be given disposal by the respondents 1 and 2 and hence, he came forward to file this writ petition.

4.Heard the submissions of the learned Counsel appearing for the petitioner, Mr.K.Raja Srinivas, learned Standing Counsel, who accepted notice on behalf of the first respondent, and Mr.A.Nagarajan, learned Standing Counsel, who accepted notice on behalf of the respondents 2 and 3.

5.This Court, taking into consideration the limited scope of prayer sought for by the petitioner, and without going into the merits of the same, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 25.9.2015, on merits and in accordance with law and pass orders thereon, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To:

- 1.The Member Secretary
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+1 cc to M/S.D.Balachandran Advocate sr.69442
+1 cc to M/S.K.Raja Shrinivas Advocate sr.69596
+1 cc to M/S.A.Nagarajan Advocate sr.69188

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W.P.No.40459 of 2015

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