

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2015

CORAM:

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

W.P. No.4708 of 2015

P. Rajamanickam

Petitioner

Vs.

- 1 The Government of Tamilnadu
Rep by its Secretary Housing and Urban
Development Department, Secretariat,
Chennai- 9.
- 2 Corporation of Chennai,
Rep. by its Commissioner,
Rippon Buildings,
Chennai-3.
- 3 The Executive Engineer / TP(N)
Enforcement,
Corporation of Chennai, Zone V,
Division 58, Chennai-7.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to remove the Lock and Seal affixed on 12.2.2015 to the premises at Door No.67/34 Vepery High Road, Vepery, Chennai-7 on the representation dated 16.2.2015 so as to enable the petitioner to remove and rectify the additions and deviation in conformity to the Sanction Plan and as per the 2nd Master Plan under Development Regulations.

For petitioner Mr. D.S. Rajasekaran

For respondents Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1

Mr. G. Anantharangan - R2 & R3

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ORDER

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

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. Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader, accepts notice on behalf of the first respondent and Mr.G.Anantharangan, learned counsel accepts notice on behalf of respondents 2 and 3.

3. The case of the petitioner is that as owner of the property at Door No.67/34, Vepery High Road, Vepery, Chennai, he applied for sanction for construction of ground floor and first floor from the second respondent. While putting up construction, he proposed to have additional construction in the second floor after submitting a revised plan to Chennai Metropolitan Development Authority. While so, the third respondent issued a locking, sealing and demolition notice dated 8.12.2014 and on 12.2.2015, locked and sealed the entire premises. The petitioner made a representation dated 16.2.2015 requesting to remove the lock and seal so as to enable him to rectify the deviations. As there has been no response from the respondents, the petitioner has come up with the instant writ petition.

4. The learned counsel for the petitioner submits that the petitioner is ready and willing to demolish the unauthorised portions for the purpose of restoring the building to its original position in terms of the planning permission granted by the Corporation.

5. Considering the facts and circumstances of the case, the petitioner is given liberty to make an application before the second respondent with a request to permit him to demolish the unauthorised structure. In case, any such application is given, the second respondent is directed to grant permission for the purpose of demolishing the unauthorised structure. The petitioner is granted eight weeks' time to rectify the deviations. After the petitioner demolishes the unauthorised structure, the second respondent shall inspect the building once again to confirm as to whether the unauthorised structure has been removed. If it is found that the entire unauthorised structure is removed, the second respondent shall process the matter further. In case, the unauthorised structure is not removed within the time granted, the second respondent is permitted to take further action, in accordance with law.

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

ra

-s/d-

Assistant Registrar (CS-II)

Dt:26/2/2015

True Copy

Sub-Assistant Registrar

To

- 1 The Secretary,
Government of Tamilnadu
Housing and Urban
Development Department, Secretariat,
Chennai-9.
 - 2 Corporation of Chennai,
Rep. by its Commissioner,
Rippon Buildings,
Chennai-3.
 - 3 The Executive Engineer / TP(N)
Enforcement,
Corporation of Chennai, Zone V,
Division 58, Chennai-7.
- + 1 cc to Mr.D.S.Rajasekaran, Advocate SR 10041
- + 1 cc to Mr.G.Anantharangan, Advocate SR 100211
- + 1 cc to Government Pleader SR 10350

ad(co)
prk26/2

सत्यमेव जयते

W.P. No.4708 of 2015

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