

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

W.P. No.16363 of 2016

L.R. Raja

Petitioner

vs.

1 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

2 The Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai 600 009

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to de-seal the premises situated at Plot No.922, 923, Bazaar Road, Ram Nagar Extension, Madipakkam, Chennai 600 091 to enable the petitioner to demolish the structure in the third floor of the building.

For petitioner Mr. V. Vijay Shankar
for Mr. Adithya Reddy

For R1 Mr. C. Johnson
Standing Counsel

For R2 Mrs. A. Srijoyanthi
Special Government Pleader

ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

Mr. C. Johnson, learned Standing Counsel, accepts notice for the first respondent. Mrs. A. Srijoyanthi, learned Special Government Pleader, accepts notice for the second respondent. With consent, 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 de-seal the premises situated at Plot No.922, 923, Bazaar Road, Ram Nagar Extension, Madipakkam, Chennai 600 091, to enable the petitioner to demolish the structure in the third floor of the building.

3 The petitioner submitted an application dated 12 September 2014 before the first respondent for obtaining planning permission for the aforestated building. The said application was rejected by the first respondent by order dated 26 December 2014 on the ground that the petitioner had made certain violations. Thereagainst, the petitioner preferred an appeal under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971, before the second respondent, which was also dismissed. Pursuant thereto, the petitioner's premises was locked and sealed.

4 According to the petitioner, albeit he is ready and willing to make good the defects, he is not in a position to do the same, inasmuch as the premises is under lock and seal. Hence, with an intent to make good the defects, he submitted a representation to the first respondent on 29 February 2016, seeking permission to enter into the premises and demolish the structure in the third floor. Since the said representation has been kept pending for more than a month, the petitioner has come up with the instant writ petition, seeking the aforestated relief.

5 In view of the aforestated factual matrix, if the petitioner is ready and willing with proper intention, the first respondent is directed to consider the petitioner's representation dated 29 February 2016 and de-seal the premises for a period of one week. Thereafter, if it is noticed that unauthorised construction still continues, the unauthorised portion may be demolished.

The writ petition stands disposed of with the above direction and observation. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
- 2 The Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai 600 009

- 1 cc to Mr.Adithya Reddy, Advocate, Sr. 27190
- 1 cc to Mr.C.Johnson, Advocate, Sr. 27523
- 1 cc to Government Pleader, Sr. 27921

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