

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P. No.9147 of 2013

and M.P.No.1 of 2013

J.Samala

... Petitioner

-vs-

1.Executive Engineer,
Zone VIII, Chennai Corporation,
Chennai 600 010.

2.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai 600 003.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the 1st respondent from taking any action under notice dt.04.03.2013 in Ref.No.107/420/2013 for demolishing the petitioner's house at New Door No.7, Old No.3/3, Harrington Road, 11th Avenue, Shenoy Nagar, Chennai 600 030, pending disposal of the petitioner's regularisation petition dt.27.03.2013.

For Petitioner : No appearance

For Respondents : Mr.V.C.Selvasekaran

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

On inspection of the premises of the petitioner, deviations have been found on the ground, first and second floor pursuant whereto the impugned lock and seal notice was issued dated 04.03.2013, under Section 57 read with Section 85 of the Town and Country Planning Act, 1971.

2.Learned counsel for the respondents / Corporation states that a regularisation application has been filed by the petitioner on 27.03.2013. It is, however, stated that the same

has not been examined as yet because of the status quo order granted on 09.04.2013. We find the plea strange for the reason that the object of the status quo order is to protect the property till such time as the regularisation application is examined. Learned counsel for the Corporation, thus, submits that a decision will be taken on the regularisation application after notice to the petitioner within a maximum period of two (2) months from today. Further action would, thus, be taken dependent on the fate of the decision on the regularisation application.

3.The interim order enuring for the benefit of the petitioner would continue till the decision in the regularisation application and for a period of fifteen (15) days after communication of the order to the petitioner to enable the petitioner to avail of any legal remedy in case of any adverse order.

4.Writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.No.1 of 2013 stands closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sra

To

1.The Executive Engineer,
Zone VIII, Chennai Corporation,
Chennai 600 010.

2.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai 600 003.

1 cc to Mr.R.Srinivas, Advocate SR.73255

W.P.No.9147 of 2013

PVS (CO)
EU 02/1/17