

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.27916 of 2011 and 27253 of 2013

P.Rajasekar ... Petitioner in both WPs

Versus

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003. ... 1st respondent in WP.No.27916 of 2011
2nd respondent in W.P.No.27253 of 2013

2.The Member Secretary,
Chennai Metropolitan
Development Authority,
Thalamuthu Natarajan
Maligai
1, Gandhi Irwin Road,
Chennai 600 008. ... 2nd respondent in WP.No.27916 of 2011
1st respondent in WP.No.27253 of 2013

3.The Zonal Officer,
Corporation of Chennai,
Zone VIII,
No.64, N.S.K.Salai,
Kodambakkam,
Chennai 600 024. ... 3rd respondent in WP.No.27916 of 2011

4.The Executive Engineer VIII,
Corporation of Chennai,
Zone VIII,
No.64, N.S.K.Salai,
Kodambakkam,
Chennai 600 024. ... 4th respondent in WP.No.27916 of 2011

5.J.Sundaralingam ... 5th Respondent in WP.No.27916 of 2011
3rd respondent in WP.No.27253 of 2013

W.P.No.27916 of 2011:Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus, to call for the locking and sealing notice dated 21.09.2011 in Letter No. Notice U22A.C.No.946/2011 issued by the 4th respondent and quash the same and consequently directing the 3rd and 4th respondents to remove the seal and open the lock made by them on 31.10.2011 in the premises at No.32/1 Ranganathan Street, T.Nagar, Chennai - 600017 with direction to the respondents to pay the punitive damages for their illegal act of locking the ground floor which was constructed in accordance with approved plan.

WP.No.27253 of 2013: Petitioner under Article 226 of the Consitution of India for issuance of a writ of Mandamus, directing the respondents 1 and 2 to take necessary action on the petitioner's petition dated 17.02.2013 and to demolish the illegal construction put up by the 3rd respondent in the second and third floors in the premises bearing Old No.32/1, New No.48/1, Ranganathan Street, T.Nagar, Chennai 600 017.

For Petitioner : Mr.M.S.Subramanian in both WPs
For Respondents : Mr.R.Arunmozhi for R.1, 3 and 4 in WP.No.27916 of 2011 and for R.2 in WP.No.27253 of 2013.
Mr.N.Sampath for R.2 is WP. 27916/2011 and
Mr.R.Mohan for R.5 in WP.No.27916 of 2011 and R.3 in WP.No.27253 of 2013.
Mr.C.Johnson for R.1 in WP.No.27253 of 2013

WEB ORDER COPY

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

The petitioner was aggrieved by the show cause notice dated 21.09.2011 on account of the fact that the petitioner is a 50% owner of property No.32/1, Ranganathan Street, T.Nagar, Chennai 600 017 and on a sanctioned plan for the ground floor, he had rented out the ground floor as a owner. It is a case of the

petitioner that the seven shops constructed therein have been sanctioned. The petitioner claims that the plan was sanctioned on 31.01.1970 vide Plan No.4797/69.

2. The second petition filed by the petitioner alleges that there are first, second and third floors constructed without sanction of plan by the private respondent, who is the 50% owner of the property.

3. We are of the view that inspection has to be carried out at site both for the portion rented out by the petitioner as well as by the private respondent to verify whether the averments of the petitioner qua his portion and the allegations qua the private respondent are correct or not within one month from the date of the receipt of the order. On such inspection being made, if infirmities are found, action in accordance with law be taken after notice to all concerned within a maximum period of two months thereafter.

4. The writ petition accordingly stands disposed of, leaving the parties to bear their own costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner, Corporation of Chennai,
Rippon Buildings, Chennai 600 003.

2.The Member Secretary, Chennai Metropolitan
Development Authority,
1, Gandhi Irwin Road, Chennai 600 008.

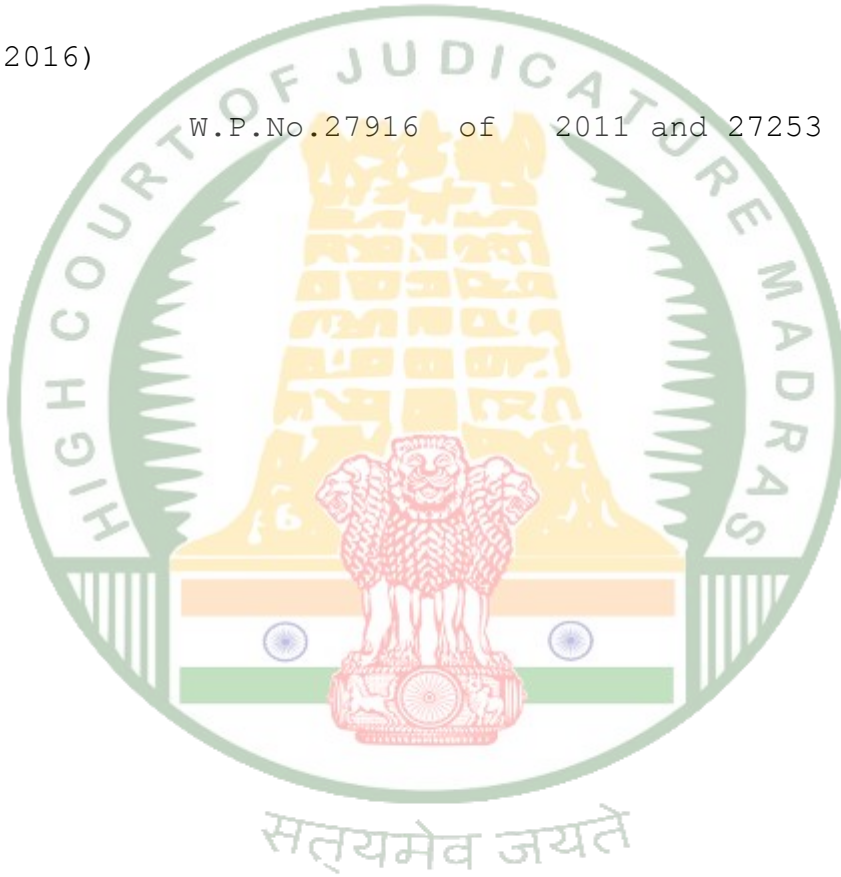
3.The Zonal Officer, Corporation of Chennai,
Zone VIII, No.64, N.S.K.Salai, Kodambakkam,
Chennai 600 024.

4.The Executive Engineer VIII,
Corporation of Chennai,
Zone VIII, No.64, N.S.K.Salai,
Kodambakkam, Chennai 600 024.

+1cc to Mr.C. Johnson, Advocate, S.R.No.61898
+1cc to Mr.R. Arunmozhi, Advocate, S.R.No.61825
+1cc to Mr. N. Sampath, Advocate Sr.No.61793
+1cc to Mr. R. Mohan, Advocate Sr.No.61761
+2cc to Mr. Ms. Subramanian, Advocate Sr.No.61776 and 61775

SM (CO)
md (12/11/2016)

W.P.No.27916 of 2011 and 27253 of 2013



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