

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:- 25.05.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.NO.18442 OF 2016
AND
W.M.P.NO.16151 OF 2016

Dr.P.Suresh

... Petitioner

Versus

The Executive Engineer,
Corporation of Chennai Zone X,
No.117, NSK Salai,
Kodambakkam, Chennai 24.

...Respondent

Prayer:- Writ petition filed under Article 227 of the Constitution of India praying to issue a writ of certiorari to call for the records of the respondent in respect of the impugned notice No.Region Central/TPENF/1787/2016 dated 27.04.2016 issued by the respondent and quash the same.

For Petitioner :- Mr.S.Natarajan

For Respondent :- Mr.A.Nagarajan

JUDGMENT

(Judgment was delivered by M.SATHYANARAYANAN,J.)

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

2.The petitioner claims that he is the owner of undivided share 1.5% of land from and out of a total extent of land measuring 3 grounds comprised in Survey Nos.157/2-A Block No.2 T.S.No.23 bearing Plot No.151 and 152 within the Sub Registration District of Virugambakkam by registered sale deed dated 20.02.1997 bearing Document No.1084/1997 registered in the very same office.

3.When the construction has been put up prior to 29.03.1999, the respondent without taking note of Section 113A 113 C of the Tamilnadu Town and Country Planning Act has issued the impugned locking and sealing notice and hence, prays for the interim order.

4.Per contra, Mr.Nagarajan, the learned Standing counsel for the respondent submits that the petitioner did not submit any application for regularisation for deviation under Section 113A or 113C of the Act. Therefore, he is not entitled to get any relief and prayed for dismissal of the writ petition.

5.This court has considered the rival submissions.

6.Since the petitioner is sure of the fact that he has put up superstructure without leaving front set back prior to 29.03.1999, he is at liberty to submit necessary application for regularisation of the same if it is permissible under law, within a period of two weeks from the date of receipt of copy of the order and till such time, the respondent shall defer any further action, in pursuant to the impugned notice. It is also made clear that in the interregnum, the petitioner shall not create third party right/alter the physical features of the subject building. The writ petition is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-
Vacation Officer

/true copy/

Sub Asst. Registrar

Vri

To

The Executive Engineer,
Corporation of Chennai Zone X,
No.117, NSK Salai,
Kodambakkam, Chennai 24.

1 cc to Mr.A. Nagarajan, Advocate, Sr. 28758

2 ccs to MR.S. Natarajan, Advocate, Sr. 28714

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