

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2016

CORAM

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

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.5359 of 2013

D.Karunakaran ... Petitioner

Vs

1.The Executive Engineer Zone VIII,
Corporation of Chennai,
Q-Block, Near Chinthamani,
Anna Nagar, (East), Chennai 600102.

2.Assistant Engineer,
Division No.100,
Anna Nagar, Corporation of Chennai,
Q-Block, Near Chinthamani,
Anna Nagar (East), Chennai 600102.

3.Assistant Executive Enginner - Unit -22,
Anna Nagar, Corporation of Chennai,
Q-Block, Near Chinthamani,
Anna Nagar (East), Chennai 600102.

.. Respondents

Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorari, to call for the records of the respondents and quash the impugned stop work notice issued to the petitioner by the respondents in his notice No.258/Div.100 dated 28.09.2012 and the further notice in Form No.II 'Locking and Sealing and Demolishing' Notice vide Notice No.Dn.100/388/2012 dated 31.12.2012 issued by the respondents to the petitioner in respect of his residential Flat No.R-6, (6-J) VI Avenue (3rd Floor), Anna Nagar, Chennai 600040.

For Petitioner : No appearance
For Respondents : Mr.Arunmozhi
for R.1 to R.3

ORDER

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

In terms of the notice dated 28.09.2012, the petitioner was called upon to produce a copy of the approved plan in view of the construction being carried out at site without the approved plan being displayed. It appears that no approved plan was furnished resulting in the lock and seal notice dated 31.12.2012, in terms whereof the complete third floor is unauthorised.

2.The petitioner claims that the property has been purchased on 15.12.2012 and the construction existed at that stage itself.

3.Be that as it may, if there is any unauthorised construction, the subsequent purchaser cannot avail of any benefit on account of not being the original purchaser/builder. Thus, what is as per the sanctioned plan alone can be permitted to remain.

4. In view of the aforesaid reasons, we find no ground to interfere with the impugned order.

5. The writ petition accordingly stands dismissed, leaving the parties to bear their own costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ksr

+lcc to Mr.V. Ramana Reddy, Advocate, S.R.No.62979

+lcc to Mr.R. Arunmozhi, Advocate, S.R.No.62547

ppa (CO)

md (14/11/2016)

W.P.No.5359 of 2013