

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2016

CORAM

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

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.1042 of 2012

N.S.Balaji ... Petitioner

vs.

The Commissioner
Corporation of Chennai
Chennai. ... Respondent

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the respondent to de-seal the ground floor shop of the petitioner in New Door No.244, Old Door No.116, N.S.C.Bose Road, Park Town, Chennai.

For Petitioner : Mr.B.Kumar, Senior Counsel
for Mr.S.Ramachandran

For Respondent : Mr.K.Soundarajan

ORDER

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

In a building where the sanction was for ground and first floor, three extra storeys have been constructed and it appears that only on the anvil of the hearing today that the property has been sealed.

2. It appears that earlier indulgence was given by the Courts for rectification of the building, but that has also not been done.

3. The petitioner before us claims to be in occupation of a portion of the ground floor. The petitioner has also not utilized this time period during the pendency of the petition to at least rectify his portion and it is only now, it is submitted before us, when the building is sealed, that they will adhere to the building plan and the area meant for car parking will be kept as such.

4. In our view, once the building has unauthorized storeys, the building as a whole is without sanction. Be that as it may, over a passage of time, there have been apparently sales and the petitioner claims to have purchased a portion of the ground floor. In our view, it is for the petitioner to approach the respondent/ Corporation, satisfy the Corporation that the necessary rectification can be done and shall be done within a stipulated time and for de-sealing for carrying out rectification.

We are not inclined to interfere under Article 226 of the Constitution of India and, thus, dismiss the petition with the aforesaid liberty to the petitioner. No costs. Consequently, M.P.Nos.1 and 2 of 2012 are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
The Commissioner
Corporation of Chennai
Chennai

+1cc to Mr.K. Soundararajan, Advocate, S.R.No.66303

+1cc to Mr.S. Ramachandran, Advocate, S.R.No.66074

saj (CO)
md(23/11/2016)

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