

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.7.2016

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.20662 of 2016

P.Mani

.. Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by its Secretary
Housing & Urban Development Department
Fort St. George
Chennai 600 009.
2. The Appeal Committee
rep. by its Chairman
Housing & Urban Development Department
Fort St. George
Chennai 600 009.
3. The Corporation of Chennai
rep. by its Commissioner
Rippon Buildings
Park Town
Chennai 600 003.
4. The Corporation of Chennai
Regional Office - Central
rep. by its Regional Deputy Commissioner
2nd Cross Street (East)
Pulla Avenue, Shenoy Nagar
Chennai 600 030.
5. The Executive Engineer RDC
Corporation of Chennai
Regional Office - Central
2nd Cross Street (East)
Pulla Avenue, Shenoy Nagar
Chennai 600 030.

6. The Assistant Engineer
Corporation of Chennai
Area Office
Zone 8, Ward 108
MMDA Colony
Chennai 600 106.

7. Rajakumari Koteeswaran

.. Respondents

Petition under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records relating to the letter No.10644/UD-VI(2)/2014-13 dated 21.4.2016 issued by the first respondent and quash the same and direct the second respondent to consider the decision of the first respondent to grant exemption and regularise the petitioner's house building in letter No.10644/UD-VI(2)/2014-7 dated 04.3.2016.

For Petitioner :Mr.G.Ethirajulu
For Respondents 1 & 2 :Mr..P.S.Sivashanmugasundaram
Spl. Govt. Pleader
For Respondents 3 to 6 :Mr.R.Arunmozhi,
Standing Counsel
For Respondent-7 :Respondent-in-person

O R D E R

Ramesh, J)

The petitioner has come up with the above writ petition challenging the proceedings of the first respondent dated 21.4.2016.

2. The petitioner, after obtaining planning permission, made construction at Plot No.52-C, Kosi Mani Street, Padmanabha Nagar, Choolaimedu, Chennai 94. He was issued with notice of locking and sealing dated 09.6.2014 under Section 57 read with Section 85 of the Town Country Planning Act, requiring him to secure compliance with the sanctioned plan within 30 days, failing which, unauthorised portion will be demolished without any further notice. Challenging the said notice, the petitioner preferred an appeal before the first respondent, under Section 80A of the Town and Country Planning Act on 17.6.2015.

3. On 04.3.2016, the first respondent passed an order granting exemption with respect to certain deviations and to regularise the same and placing the matter before the Appeal Committee for approval. In the said order, the first respondent directed the petitioner to demolish the walls in the stilt

floor. Accordingly, the petitioner demolished the walls in the stilt floor and submitted compliance report to the first respondent on 05.4.2016. Pursuant to the request made by the seventh respondent, the first respondent conducted personal hearing of the petitioner and the seventh respondent on 13.4.2016 and passed an order dated 21.4.2016, directing the petitioner to carry out rectifications in the service area within two months, failing which the building will be placed under lock and seal by the Corporation. Aggrieved by the same, the petitioner has come up with this writ petition.

4. The first respondent filed a counter wherein it is stated that the matter would be placed before the Appeal Committee after rectification of the defects in the building by the petitioner.

5. Considering the facts and circumstances of the case, we are of the considered opinion that the petitioner and the seventh respondent shall appear before the Appeal Committee and make their submissions and thereafter, the Appeal Committee shall consider the same and pass appropriate orders within a period of two months from the date of receipt of a copy of this order. Till then, the respondents shall maintain status quo as on date. Accordingly, the writ petition is disposed of. There shall be no order as to costs. Consequently, WMP No.17750 of 2016 is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary
Housing & Urban Development Department
Fort St. George,
Chennai 600 009.
2. The Chairman
Appeal Committee
Housing & Urban Development Department
Fort St. George,
Chennai 600 009.

3. The Commissioner
Corporation of Chennai, Rippon Buildings
Park Town, Chennai 600 003.
4. The Regional Deputy Commissioner
Corporation of Chennai, Regional Office - Central
2nd Cross Street (East), Pulla Avenue, Shenoy Nagar
Chennai 600 030.
5. The Executive Engineer RDC
Corporation of Chennai
Regional Office - Central
2nd Cross Street (East)
Pulla Avenue, Shenoy Nagar
Chennai 600 030.
6. The Assistant Engineer
Corporation of Chennai
Area Office
Zone 8, Ward 108
MMDA Colony
Chennai 600 106.

+2cc to Mr.G.Ethirajulu, Advocate, S.R.No.37268,37378
+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.37324
+1cc to Mr.Rajakumari Kotteeswaran, Party in Person, Sr.37635
+1cc to the Government Pleader, S.R.No.37420

W.P.No.20662 of 2016.

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srg 22/07/2016

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