

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.21058 of 2016

Mrs.Shanti Folie
W/o Rober Folie

... Petitioner

-Vs-

1. The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003
2. The Regional Joint Commissioner
Corporation of Chennai
(Enforcement - Region - Central)
Rippon Building
Chennai-3
3. The Executive Engineer
Corporation of Chennai
(Enforcement - Region - Central)
Regional Office - Central
2nd Cross Street, (East) Pulla Avenue
Shenoy Nagar, Chennai 600 024
4. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to forthwith remove the lock and seal (de-seal the premises) in respect of the premises at No.23/10, Damodara Murthy Street, Kilpauk, Chennai-10, so as to enable the petitioner to rectify and restore the said premises in conformity with the sanctioned plan on the basis of the representation dated 06.05.2016.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.V.C.Selvasekaran for R1 to R3
Mr.C.Johnson for R4

ORDER

(Order of the Court was delivered by HULUVADI G.RAMESH, J.)

Heard the learned counsel for the petitioner. Mr.V.C.Selvasekaran, learned standing counsel is directed to take notice on behalf of the respondents 1 to 3 and Mr.C.Johnson, learned standing counsel is directed to take notice on behalf of the fourth respondent.

2. The petitioner is said to have purchased the property at No.23/10, Damodara Murthy Street, Kilpauk, Chennai and put up construction of the ground + first floor and also paying the taxes regularly since 1993. On the ground that there are deviations/unauthorised construction noticed during her absence, the de-occupation notice was sought to be issued and the building is kept under lock and seal. The petitioner is said to have made a representation to the fourth respondent-CMDA seeking to de-seal the premises so as to carry out necessary rectifications. Since the said representation has not been considered till date, she has approached this Court for issuance of a writ of mandamus, directing the respondents to forthwith remove the lock and seal (de-seal the premises) in respect of the premises at No.23/10, Damodara Murthy Street, Kilpauk, Chennai-10, so as to enable the petitioner to rectify and restore the said premises in conformity with the sanctioned plan.

3. Since the petitioner intends to remove the unauthorised construction/deviations in order to restore the building to the sanctioned plan, we direct the fourth respondent to consider the representation of the petitioner dated 6.5.2016 at the earliest and to take a decision to open the lock and seal, so as to enable the petitioner to carry out the necessary repairs. Such a decision shall be taken within a period of one month from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ss

To

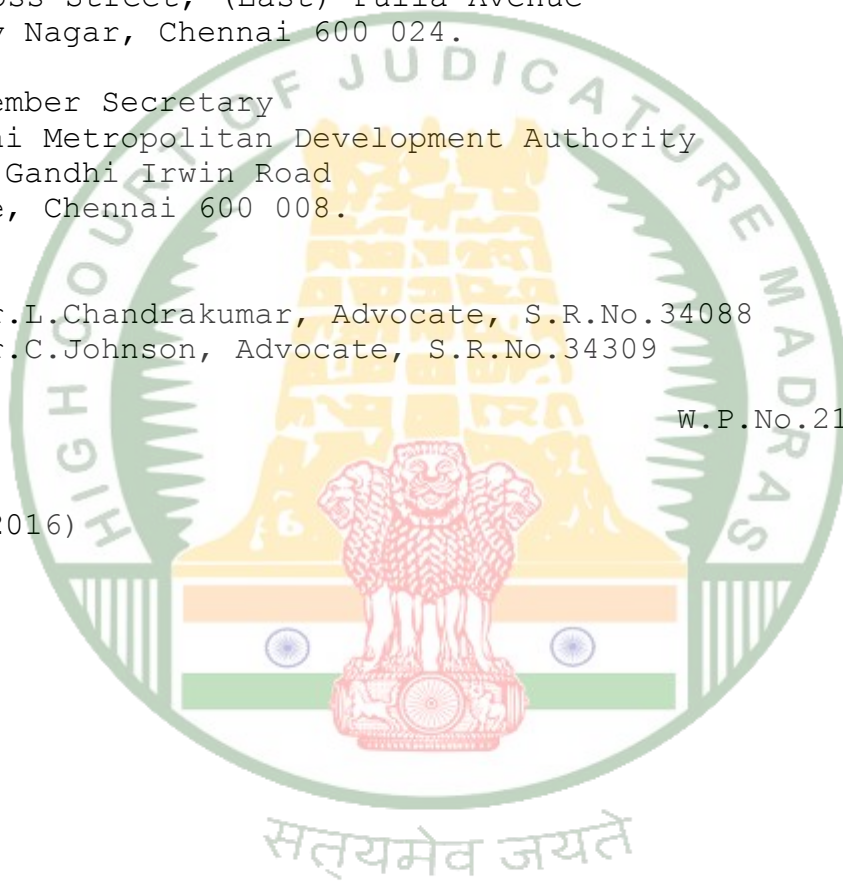
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+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.34088
+1cc to Mr.C.Johnson, Advocate, S.R.No.34309

W.P.No.21058 of 2016

RP(CO)
CA(27/06/2016)



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