

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2016

CORAM

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

W.P.No.22182 of 2016

A.Arul John Bosco ...Petitioner

-Vs-

Chennai Metropolitan Development Authority
rep.by its Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008. ...Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent herein to remove (de-seal) the lock and seal put up by the respondent herein with regard to the building at No.16/2, Umperson Street, George Town, Chennai-1 forthwith to enable the petitioner to rectify the deviations as well as remove the sixth floor violations in the said premises on the basis of the petitioner's representation dated 20.06.2016.

For Petitioner ::Mr.R.Mohan

For Respondent ::Mr.C.Johnson

ORDER

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

The petitioner seeks for issuance of a writ of mandamus directing the respondent herein to remove (de-seal) the lock and seal put up by the respondent herein with regard to the building at No.16/2, Umperson Street, George Town, Chennai-1 forthwith to enable the petitioner to rectify the deviations as well as remove the sixth floor violations in the said premises on the basis of the petitioner's representation dated 20.06.2016.

2. The petitioner is said to have purchased the property in question consisting of ground + 6 floors on 25.8.2010 under a registered sale deed bearing Document No.1051 of 2010 from the erstwhile owners, who were running a lodging house for more than 15 years. On the basis of the recommendation of the Monitoring Committee, the application for regularisation has been rejected, as the building put up over and above the fifth floor, namely, sixth floor and seventh floor (part) was not completed by the erstwhile owners before the cut-off date on 28.2.99 as per the scheme of regularisation. Since they have not completed before the cut-off date, the respondent-CMDA, while calling upon the petitioner to remove the additional floors, locked and sealed the premises. As against the order of lock and seal dated 8.12.2011, the petitioner is said to have preferred an appeal to the Government. Thereafter, the petitioner is said to have made a representation on 10.8.2015 to the respondent authority stating that since he could not get the entire building regularised, he would remove the additional floors which are not eligible for regularisation under Section 113-A of the Tamil Nadu Town and Country Planning Act and for the said purpose, sought for de-sealing the building. As there is no appeal pending as against the order of lock and seal, the petitioner is said to have made one more representation on 20.6.2016 requesting the respondent to de-seal the premises to enable the petitioner to carry out the rectification and removal of the sixth floor portion. As the said representation is pending consideration, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned standing counsel taking notice on behalf of the respondent.

4. As per the representation of the petitioner, the petitioner intends to carry out the rectification by removing the additional sixth floor. In such circumstances, this writ petition is disposed of with a direction to the respondent to de-seal the building of the petitioner immediately on production of a copy of this order and on such removal of the lock and seal, the petitioner is granted four months' time to carry out the rectification and it is open to the respondent to seek for compliance in accordance with law. Consequently, W.M.P.No.18913 of 2016 is closed. No costs.

ss

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008.

+ 1 cc to Mr.R.Mohan, Advocate Sr 35832

+ 1 cc to Mr.C.Johnson, Advocate Sr 36113

KR/5/7/16

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