

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2016

CORAM

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

Writ Petition No.22643 of 2016
and WMP.No.19328 of 2016

N.Pattukamaraj

.. Petitioner

Vs.

1 The Government of Tamilnadu
Rep.by its Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai-9.

2 The Chennai Metropolitan
Development Authority
Rep.by its Member Secretary
No.1, Gandhi Irwyn Road
Egmore, Chennai-600 008.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 08.06.2016 to remove the Lock and Seal affixed to the premises bearing Door No.1/10, J.J.Nagar, Mogappair East, Chennai-50 so as to enable the petitioner to rectify and remove the deviation therein and bring the building in conformity to the plan accorded and of the development regulation expeditiously.

For Petitioner : Mr.D.S.Rajasekaran

For Respondents: Mr.P.S.Sivashanmuga Sundaram

Spl.Government Pleader for R1

Mr. C.Johnson for R2

O R D E R

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

Heard the learned counsel for the petitioner, Mr.P.S.Sivashanmuga Sundaram, learned Special Government for the 1st respondent and Mr.C.Johnson, learned Standing counsel for the 2nd respondent. With consent of both sides, the Writ Petition itself is taken up for final disposal.

2. This Writ Petition is filed praying to issue a Writ of Mandamus to direct the respondents to consider and pass orders on the petitioner's representation dated 08.06.2016 to remove the Lock and Seal affixed to the premises bearing Door No.1/10, J.J.Nagar, Mogappair East, Chennai-50, so as to enable the petitioner to rectify and remove the deviation therein and bring the building in conformity to the plan accorded and of the development regulation.

3. According to the petitioner, he obtained sanction for construction of ground and first floor from the Ambattur Municipality and thereafter constructed 3rd floor and approval for such construction was refused by the 2nd respondent. Subsequently, Locking and Sealing Notice was issued by the 2nd respondent on 29.04.2010. Thereafter, the Petitioner submitted a Revised Plan on 09.04.2012 and also submitted a representation to respondents on 08.06.2016 seeking to de-seal and remove the Lock and Seal of the premises so as to enable him to bring the building in consonance with the sanctioned plan.

4. The learned counsel appearing for the petitioner submits that the petitioner undertakes to remove the deviation and as such, a suitable direction may be issued to the 2nd respondent to remove the lock and seal in the premises mentioned in the Writ Petition.

5. Taking into consideration the averments made in the Writ Petition and the undertaking given by the learned counsel for the petitioner, the respondents are directed to consider the representation of the petitioner dated 08.06.2016 and pass appropriate orders in respect of removing the lock and seal of the premises so that the petitioner could remove the deviation and bring the building in consonance with the sanctioned plan. The 2nd respondent is directed to do the needful in this regard in accordance with law within a period of two months from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMP is closed.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nvsri

To

- 1 The Secretary to Government
Government of Tamilnadu
Housing and Urban Development Department
Secretariat, Chennai-9.
- 2 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwyn Road
Egmore, Chennai-600 008.

+1cc to Mr.D.S.Rajasekaran, Advocate, S.R.No.36996
+1cc to Mr.C. Johnson, Advocate, S.R.No.37185
+1cc to the Government Pleader, S.R.No.37539

MA1 (CO)
EU(6/07/2016)

W.P.No.22643 of 2016



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