

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.9.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.29772 of 2016
and
W.M.P.No.25758 of 2016

Girish

Petitioner

Versus

- 1 The Secretary to Government
Government of Tamilnadu
Housing & Urban Development Department
Secretariat, Chennai-600 009.
- 2 The Member Secretary,
Chennai Metropolitan
Development Authority
No.1 Gandhi Irwin Road
Thalamuthu Natarajan Building
Egmore Chennai-600 008.
- 3 The Commissioner Greater Chennai,
Corporation
Rippon Buildings Chennai-600 003.

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 2nd and 3rd respondents to forbear them from in anyway interfering with the building at New No.301, Old No.145, Thambu Chetty Street, Chennai-1, particularly by way of Locking and Sealing and or demolition of the same, pending Final orders are passed by respondents 1 & 2 on the petitioner's application dated 29.04.2016 with them.

For petitioner : Mr.D.S.Rajasekaran

For R1 : Mr.R.Prathapkumar,
Additional Government Pleader

For R2 : Mr.K.Raja Shrinivas

For R3 : Mr.R.Arunmozhi

ORDER

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

Heard the learned counsel appearing for either side.

2. The writ petition has been filed seeking issuance of a writ of mandamus directing the 2nd and 3rd respondents to forbear them from in anyway interfering with the building at New No.301, Old No.145, Thambu Chetty Street, Chennai-1, particularly by way of Locking and Sealing and or demolition of the same, pending Final orders are passed by respondents 1 & 2 on the petitioner's application dated 29.04.2016 with them.

3. The case of the petitioner is that he is the absolute owner of the property in question and the authorities, finding some deviation from the approved plan, in the construction, served lock and seal notice upon the petitioner and hence, the petitioner has filed the present writ petition.

4. It is now represented by the learned counsel for the petitioner that pending the writ petition, the defect pointed out by the Chennai Metropolitan Development Authority, the second respondent herein, has been rectified and that they have filed fresh plan for regularization and the deviation, if any may be condoned.

5. The learned counsel for the second respondent submitted that they may be permitted to have spot inspection and thereafter, submit a report to the first respondent and if there are still any violation, it may be left open to the authorities to proceed with the matter in accordance with law.

6. In view of the submission made by the learned counsel appearing for either side, the second respondent is permitted to have spot inspection and submit a report to the first respondent and it is needless to say that it is open to the authorities to proceed further proceed in accordance with law, if still any violation is found out by the authorities. Such an exercise shall be completed within one month from the date of receipt of copy of this order. With the above observation, the writ petition is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1 Government of Tamilnadu
Rep. by its Secretary to Government
Housing & Urban Development Department
Secretariat Chennai-600 009.

2 The Chennai Metropolitan
Development Authority
Rep. by its Member Secretary
No.1 Gandhi Irwin Road
Thalamuthu Natarajan Building
Egmore Chennai-600 008.

3 Greater Chennai Corporation
Rep. by its Commissioner
Rippon Buildings Chennai-600 003.

+ 1 cc to Mr.D.S. Rajasekaran, Advocate SR.54258
+ 1 cc to Mr.R. Arunmozhi, Advocate SR.54260
+ 1 cc Government Pleader Sr.54608,54695

W.P.No.29772 of 2016

SKV(CO)
Eu 1.11.16



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