

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.22295 of 2003

S.Ramesh
Proprietor, S.R.Builders
Flat No.A.No.4, Old No.37
Mahalakshmi Street
T.Nagar, Chennai - 17. .. Petitioner

vs.

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

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records of the respondent relating to its notice No.EC/SD/16907/2002 (02621), dated 22.1.2003 and quash the same.

For Petitioner : No appearance
For Respondent : Mr.N.Sampath

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The case of the petitioner is that he obtained the sanctioned building plan for ground and first floor at New No.4, Old No.37, Mahalakshmi Street, T.Nagar, Chennai - 600 017 comprised in T.S.No.6002/1 and R.S.No.144/3, Paimash No.151, Block No.133, vide Planning Permit No.5283/98, dated 20.8.1998 and No.4659/98, dated 16.10.1998. Thereafter, a second floor was erected without sanction, but an application for regularization under the scheme was registered as No.20033 with regularization fee deposited of Rs.1,97,775/- on 4.10.2001, vide receipt No.1726, dated 4.10.2001. It is alleged that this regularization application is not disposed of and the property has also been sold to third parties.

2. In the meantime, the petitioner claimed that it received the impugned demolition notice treating the entire building as unauthorized and, thus, approached the Court.

3. Interim orders were granted on 8.8.2003 and made absolute on 27.7.2004.

4. On the matter being called, none appears for the petitioner, as the learned counsel states that he has already returned the bundle.

5. We are of the view that with the passage of time, it is necessary that a fresh inspection be carried out of the building to verify the excess construction, current owners and occupants be informed and thereafter necessary action in accordance with law be taken in respect of any unauthorized construction, subject to the decision on the application for regularization filed, as mentioned aforesaid.

6. If merely because the present petition was pending such regularization application has not been decided, then it must be decided promptly not later than two months from the date of receipt of the order. The inspection be carried out within 15 days from the date of receipt of the order. We may add that notices may be required to be issued to the current owners/occupiers for a meaningful adjudication.

The petition stands disposed of with the aforesaid directions. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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

Copy to:
S.Ramesh
Proprietor, S.R.Builders
Flat No.A.No.4, Old No.37
Mahalakshmi Street, T.Nagar, Chennai - 17.

+1 cc to Mr.Sampath, advocate, sr.66748.
mg(co)
krd 28/11

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