

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2016

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M.VENUGOPAL

W.P. Nos.3522 and 3523 of 2016
and
W.M.P.Nos.2872 to 2874 of 2016

P.Jyothsna ... Petitioner in both the W.Ps

Vs.

1.The Government of Tamil Nadu
rep. by the Secretary,
Housing and Urban Development,
Fort St. George, Chennai - 9.

2.The Chennai Metropolitan Development
Authority rep. by its
Member Secretary,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Egmore,
Chennai - 8.

3.St. Thomas Panchayat Union
rep. by its Chairman,
Chitlapakkam, Chennai - 64.

4.Kovilampakkam Panchayat
rep. by its President,
Kovilambakkam, Chennai - 129.

..Respondents in
both the W.Ps

Petitions filed under Article 226 of the Constitution of India praying for the issuance of Writs of Certiorarified Mandamus to call for the proceedings and records on the file of the first respondent culminating in the issue of G.O.(3D) Nos.69 and 70 dated 22.12.2015 quash the same and direct the first respondent to regularise the building situate at Plot Nos.1, 2, 3 and 4, comprised in Survey Nos.119/1, 2, 121/1A, 1B, 2A, 2B (as per document), Survey No.119/1A3 (as per patta), Syndicate Bank Colony, Kovilambakkam, Pallavaram, OMR Radial Road, Chennai - 117, Sholinganallur Taluk, St. Thomas Mount Panchayat Union.

For Petitioner .. Mr.R.Thiagarajan
in both the W.Ps

For Respondents.. Ms.A.Srijayanthi,
Spl. Govt. Pleader for R1, R3 & R4
in both the W.Ps
Mr.N.Sampath,
Standing Counsel for R2
in both the W.Ps

COMMON ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel appearing for the parties, the writ petitions are taken up for final disposal.

2.Questioning the legality and validity of the Government Orders in G.O.(3D) Nos.69 and 70, Housing and Urban Development (UD-V) Department dated 22 December 2015, the instant writ petitions are filed.

3.It is the case of the petitioner that after obtaining planning permission from the local authorities, she has constructed the buildings in question. While so, on 17 June 2013, stop work notices were issued to the petitioner and subsequently, the second respondent issued locking, sealing and demolition notices dated 21 December 2013. Against the said notices, the petitioner preferred a writ petition being W.P.No.7930 of 2014, which was disposed of, by directing the authorities to consider the revised application of the petitioner in accordance with the rules and regulations. Since the revised plans submitted by the petitioner were rejected, she has filed appeals under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971, which came to be dismissed vide the impugned orders dated 22.12.2015. Aggrieved by the same, the petitioner is before us.

4. Learned counsel appearing for the petitioner, at this stage, submits that four weeks time may be granted to the petitioner to remove the unauthorised portions/constructions as set out in the impugned orders dismissing the appeal and bring the buildings in accord with the approved plan within the said period. It is also submitted that if the lock and seal of the buildings in question is removed, further steps for removal of unauthorised portions will be taken forthwith and completed within such period.

5. Accordingly, the Chennai Metropolitan Development Authority is directed to unlock and de-seal the buildings in question on 11 March 2016 to enable the petitioner to comply with the order in G.O.(3D) Nos.69 and 70, Housing and Urban Development (UD-V) Department dated 22 December 2015, within a period of four weeks. On completion of four weeks, the Chennai Metropolitan Development Authority is directed to inspect the buildings in question and if it is found that removal has been done in accordance with the approved plan, no further action is required to be taken. In default, the Chennai Development Authority is directed to re-seal the buildings and remove the unauthorised deviation and file a compliance report before this Court.

6. With the above observation and direction, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Post the matter on 20.04.2016 'for reporting compliance'.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Housing and Urban Development,
Fort St. George, Chennai - 9.
2. The Member Secretary,
Chennai Metropolitan Development
Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Egmore,
Chennai - 8.
3. The Chairman,
St. Thomas Panchayat Union,
Chitlapakkam, Chennai - 64.

4.The President,
Kovilampakkam Panchayat ,
Kovilambakkam, Chennai - 129.

Copy to

the Section Officer,
Writ Section,
High Court Madras.

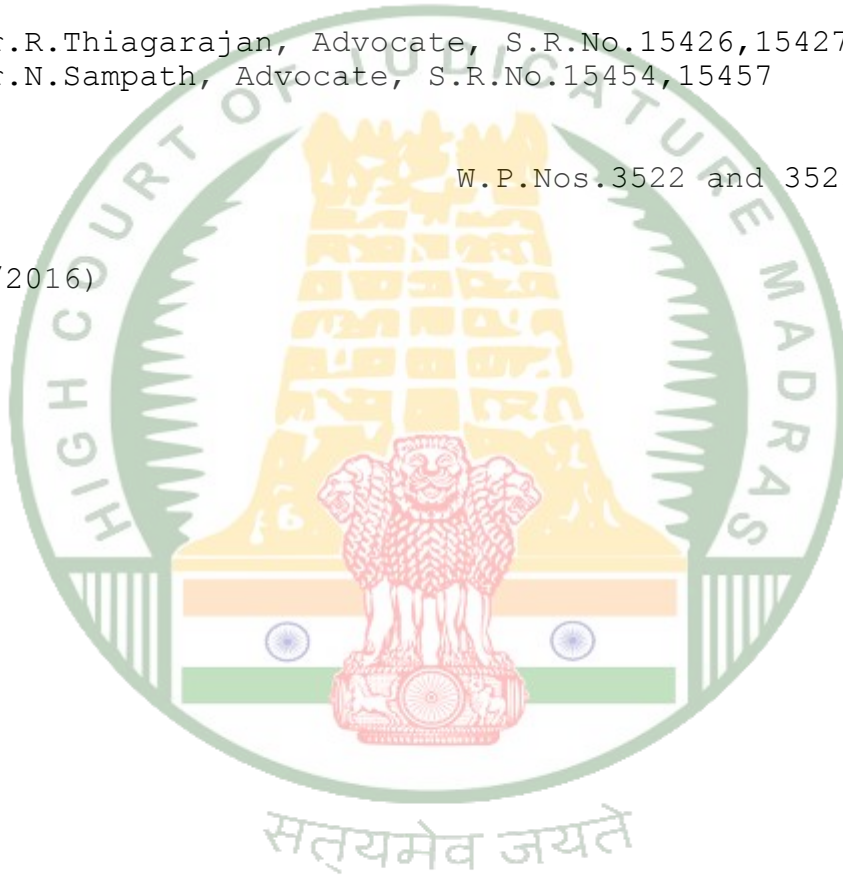
(for watchin & Posting for Reporting Compliance on 20.04.2016)

+4cc to Mr.R.Thiagarajan, Advocate, S.R.No.15426,15427

+2cc to Mr.N.Sampath, Advocate, S.R.No.15454,15457

W.P.Nos.3522 and 3523 of 2016

sv(CO)
srg(10/03/2016)



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