

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.35272 of 2016

1.V.Nimbaram

2.Chandra Devi

.. Petitioner

-vs-

1.The Regional Deputy Commissioner
(North), Greater Chennai Corporation,
61, Basin Bridge Road, Old Washermenpet,
Chennai 600 021.

2.The Executive Engineer Zone V,
Greater Corporation of Chennai,
Royapuram, Chennai.

3.The Assistant Executive Engineer,
Division-57, Unit 13, Zone V,
Greater Chennai Corporation,
Park Town, Chennai 600 001.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 2nd and 3rd respondents herein to remove the Lock and Seal put up in the building in Door Old No.12, New No.54, Stringer Street, Chennai 600 001, to enable the petitioner to rectify the deviations and remove unauthorized constructions put up in the building.

For Petitioner : Mr.B.Singaravelu

For Respondents : Mr.V.C.Selvakumaran
for RR 1 to 3.

O R D E R

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

The building of the petitioner has been sealed by the Corporation on deviation found as per the Stop Work Notice dated 13.04.2016. The deviation shows that even set back has not been left on the ground floor, which is not an easy issue to cure. The petitioner seeks de-sealing of the building for purposes of rectification.

2. On hearing the learned counsel for parties, we are of the view that at the inception, the petitioner must obtain a report from a structural engineer as to how he proposes to bring the building within the conformity limits and submit to the respondent Corporation for scrutiny. On verification of the same, the Corporation may de-seal the building for rectification, but making it clear that the petitioner or anyone claiming under him will not occupy on any portion of the property which has been sealed during the period of rectification. On the period granted by the Corporation for rectification, re-verification will be done by the Corporation within one (1) week of expiry of such period and if the rectifications are carried out, well and good, otherwise the building will be re-sealed.

3. Writ petition is disposed of in the aforesaid terms. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

sra

To

1. The Regional Deputy Commissioner
(North), Greater Chennai Corporation,
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Chennai 600 021.

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2.The Executive Engineer Zone V,
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2 ccs to Mr.B.Singaravelu, Advocate, sr.57557

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kra 13.10.2016



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