

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 7.11.2016

CORAM

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

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.38680 of 2016

MEC International Private Ltd.
rep. by its Senior Manager - Commercial
Old No.37, New No.6
Arcot Road, Vadapalani
Chennai - 600 025. .. Petitioner

Vs.

Greater Chennai Corporation
rep. by Executive Engineer
Zonal Office-10, Kodambakkam
Chennai - 600 024. .. Respondent

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the respondent/ Corporation to refrain from executing lock and seal and demolition notices in respect of entire buildings and superstructures located on schedule lands described in Schedule-A and B to this petition, situated at Old No.37, New No.06, Arcot Road, Vadapalani, Chennai - 600 026, till the disposal of petitioner's appeal by the Secretary to Government of Tamil Nadu, Housing and Urban Development Department, filed on 21.10.2016.

For Petitioner : Mr.A.L.Somayaji,
Sr.Counsel
for Mr.K.V.Bhashyam Chari
For Respondent : Mr.A.Nagarajan

ORDER

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

The respondent/Corporation, on 9.9.2016, on site inspection made, issued a notice to the petitioner under Sections 56(1) and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 requiring the petitioner to produce a copy of the approved plan for verification.

2. In response thereto, the petitioner vide a reply dated 22.9.2016 informed that the records of the company stored in the ground floor of the property were washed away in the floods in December, 2015. The locking and sealing and demolition notice dated 14.10.2016 was issued treating the whole property as unauthorized.

3. In view of the aforesaid position, an appeal is stated to have been filed under Section 80A of the said Act along with interim application, but it is submitted that no orders have been passed.

4. We may record that giving such short notices of three days to produce old plans is not justifiable. A reasonable time should be given to produce the plans for such old buildings and it generates unnecessary litigation by creating a panic by issuing short notices of three days. This is not a property which is under construction. This aspect the Corporation should take into account for future notices.

5. Now turning to the merits of the controversy, once it is stated that the petitioner is not in possession of the sanction plan, it is the bounden duty of the Corporation to have located from the records what was the sanctioned plan and tallied the construction with the same. If some unauthorized construction was found, then notice for locking and sealing and demolition could have been issued in respect of that portion, since the petitioner does not have any records.

6. We are, thus, of the view that the notice dated 14.10.2016 and the appeal filed thereafter is a futile exercise and set aside the notice and the appeal is thus disposed of as infructuous. The respondent Corporation is called upon to verify from its own records the position of the construction and thereafter issue notice and proceed in accordance with law.

The petition, accordingly, stands disposed of. No costs.
Consequently, W.M.P.No.33134 of 2016 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

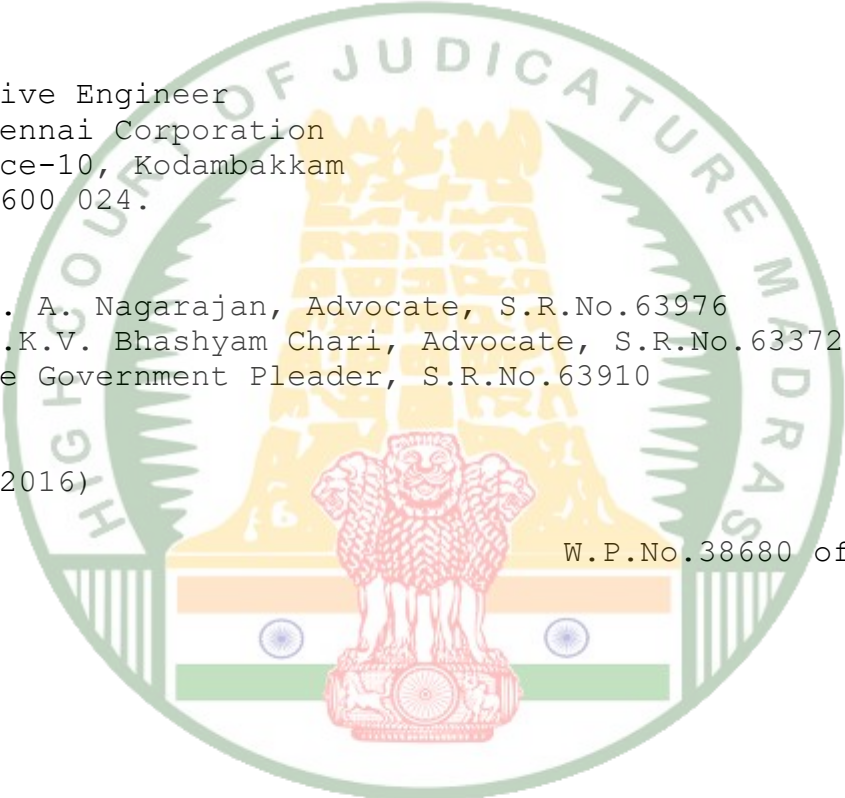
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To:
The Executive Engineer
Greater Chennai Corporation
Zonal Office-10, Kodambakkam
Chennai - 600 024.

+1cc to Mr. A. Nagarajan, Advocate, S.R.No.63976
+1cc to Mr.K.V. Bhashyam Chari, Advocate, S.R.No.63372
+1cc to the Government Pleader, S.R.No.63910

sm (CO)
md (15/11/2016)

W.P.No.38680 of 2016



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