

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2016

CORAM :

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

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.41681 of 2016

and

W.M.P.No.35662 of 2016

1.K.Sathish Kumar

2.T.S.Shobana Francis

... Petitioners

-Vs-

1. The Secretary to Government,
Government of Tamilnadu,
Housing and Urban Development Department,
St. George Fort,
Chennai-600 009.

2. The Executive Engineer,
Enforcement - Region Central,
Chennai Corporation,
2nd Cross Street, Pulla Revenue,
Shenoy Nagar,
Chennai-600 030.

3. The Assistant Executive Engineer,
Enforcement - Region Central,
Chennai Corporation,
2nd Cross Street, Pulla Avenue,
Shenoy Nagar,
Chennai-600 030.

4. The Assistant Engineer,
Chennai Corporation,
Division - 71, Zone - VI,
Perambur, Chennai-600 012.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records passed by the first respondent order dated 29.08.2016 vide letter No.14705/UD-VII(1)/2016-1 and quash the same as illegal and consequently direct the respondents not to

lock and seal of the premises bearing Flat No.F1, Old No.59, New No.32, Krishnadas Road, Perambur, Chennai-600 012.

For Petitioner : Mr.C.Shankar

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader
for R1

Mr.V.C.Selvasekaran for R2 to R4

ORDER

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

The learned counsel for the petitioners states that in respect of the second floor flat, the following order was passed in W.P.No.41011 of 2016, dated 23.11.2016.

Notice. Mr.R.Vijayakumar, learned Additional Government Pleader, accepts notice for the first respondent and Mr.R.Arunmozhi, learned counsel, accepts notice for respondents 2 to 4.

2.We had put a query to the learned counsel for the petitioner as to whether the notice dated 24.04.2015 issued by the Corporation of Chennai for locking and sealing and demolition suffers from any infirmity in so far as the description of deviated / unauthorised construction is concerned in respect of the second floor for which the petitioner claims ownership. Learned counsel states that there is no mistake and the petitioner is willing to rectify the deviations for which four (4) weeks time may be granted.

3.We, thus, accept the request and grant four (4) weeks time to the petitioner to bring the second floor in conformity with the original sanction plan, whereafter the Corporation will re-inspect the second floor and if still the deviations have not been removed, the lock and seal notice shall be enforced without any further impediment.

4.Writ petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.No.35024 of 2016 stands closed.

2. He seeks disposal of the present petition in respect of the first floor flat also on the same terms.

3. The request is acceded to and the writ petition is disposed of in terms aforesaid. No costs. Consequently, W.M.P.No.35662 of 2016 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Government of Tamilnadu,
Housing and Urban Development Department,
St. George Fort,
Chennai-600 009.
2. The Executive Engineer,
Enforcement - Region Central,
Chennai Corporation,
2nd Cross Street, Pulla Revenue,
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4. The Assistant Engineer,
Chennai Corporation,
Division - 71, Zone - VI,
Perambur, Chennai-600 012.

+1cc to Mr.C.Shankar, Advocate, S.R.No.69617
+1cc to the Government Pleader, S.R.No.69501

W.P.No.41681 of 2016

NRJK(CO)
CA(01/12/2016)