

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2016

CORAM:

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

W.P. No.4985 of 2016 and W.M.P. No.4351 of 2016

K. Aswin Kumar @ Ambarish Kumar Petitioner

Vs.

- 1 The State
represented by the Secretary
Government of Tamil Nadu
Housing of Urban Development
(UD1) Department
Secretariat
Chennai 600 009
- 2 The Member Secretary
Chennai Metropolitan
Development Authority, Egmore
Chennai 600 008
- 3 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, to call for the records on the file of the first respondent in G.O. No.(3D) No.33 dated 28.01.2016 and quash the same as highly illegal and further for a direction, directing the respondents to grant time extension for a period of 6 months to carry out the demolition of the unauthorised construction put up at the building bearing Door No.58, Narayana Mudali Street, Sowcarpet, Chennai 600 079.

For petitioner Mr. AR.L. Sundaresan, Sr. Counsel
for Mr. J. Ashok

For R1 Mrs. A. Srijayanthi
Special Government Pleader
For R2 Mr. N. Sampath, Standing Counsel
For R3 Mr. A. Nagarajan, Standing Counsel

ORDER
(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the first respondent. Mr. N. Sampath, learned Standing Counsel, accepts notice for the second respondent. Mr. A. Nagarajan, learned Standing Counsel, accepts notice for the third respondent. With consent, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed challenging the Government Order in G.O. (3D) No.33, Housing and Urban Development (UD1) Department dated 28 January 2016 passed by the first respondent, whereby and whereunder, the petitioner's request for extension of time by one more year from August 2015 in order to rectify the deviations/violations in the unauthorised construction, has been turned down and also for a direction to the respondents to grant time extension for a period of six months to carry out demolition of the unauthorised construction put up at the building in question.

3 Today, during the course of arguments, the learned Senior Counsel appearing for the petitioner confined the relief to the extent of grant of further time to remove the deviated portions as well as to demolish the unauthorised construction, as directed by the first respondent vide the impugned order.

4 On a perusal of the impugned Government Order, it is noticed that the petitioner was given an opportunity earlier as well, to initiate and rectify the deviations/violations within 6 months. It is found that no rectification has been made by the petitioner.

5 The learned Senior Counsel appearing for the petitioner submits that the process of rectification of deviations/violations has already been initiated and it will take some more time to complete the said process and also for demolition of the unauthorised construction.

6 We have examined the other aspects of the matter and even a photograph of the building in question has been submitted for the consideration of this Court.

7 With the consent of the learned counsel for the parties, we are of the considered view that 50 days' time will be sufficient to rectify the deviations/violations and demolish the unauthorised construction. Accordingly, the petitioner is granted time till 31 March 2016 to rectify the deviations/violations and demolish the unauthorised

construction. Thereafter, the Chennai Corporation is directed to inspect the building on 04 April 2016 and on inspection, if it is found that the deviations/violations are not fully rectified and still continue to remain, the Chennai Corporation shall take steps to complete the process at the petitioner's cost, within a period of one week and submit a report to this Court. It is made clear that the direction given by the first respondent to the Corporation of Chennai, vide the impugned order, to keep the building under lock and seal and to address the Electricity Board and Metro Water Department to disconnect the electricity and water supply connections to the building in question, shall remain suspended till 31 March 2016.

The writ petition stands disposed of with the above directions and observations. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

cad
To

- 1 The Secretary
Housing of Urban Development (UD1) Department
Government of Tamil Nadu
Secretariat
Chennai 600 009
- 2 The Member Secretary
Chennai Metropolitan Development Authority
Egmore
Chennai 600 008
- 3 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003.

+1cc to Mr.J. Ashok, Advocate, S.R.No.8506
+1cc to Mr.A. Nagarajan, Advocate, S.R.No.8611
+1cc to the Government Pleader, S.R.No.9120

NM(CO)
EU(22/02/2015)

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