

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.5017 of 2017

1. D.Rajappa
2. R.Jayalakshmi .. Petitioners
- vs.
1. The State of Tamilnadu
rep. by its Secretary to Government
Housing and Urban
Development Department
Secretariat, St. Fort George,
Chennai 600 009.
2. The Member Secretary
Chennai Metropolitan Development
Authority Thalamuthu Natarajan
Building No.1, Gandhi Irwin Road
Egmore, Chennai-8.
3. The Executive Officer
Naravarikuppam Town Panchayat
Redhills, Chennai 600 052.
4. B.Dhayalan .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records relevant to the order in Na.Ka.No.258/2004/A1, dated 23.1.2017 passed by the 3rd respondent and quash the same as illegal, improper, unreasonable, arbitrary and violative of the principles of natural justice and thereby direct the respondents to remove the lock and seal put up in the petitioners shop by namely D.R.Super Market and Furniture, situated at Survey No.86/2, Naravarikuppam Village, G.N.T. Road, Redhills, Chennai - 600 056 and handover the same to the petitioners to enable them to rectify the deviations as pointed out by the 3rd respondent in the petitioners building as per the Second Master Plan for Chennai Metropolitan Development

Authority 2026 and other regulations prescribed under the Chennai Metropolitan Development Authority Act.

For Petitioners : Mr.L.Chandrakumar

For Respondents : Ms.Vasudha Thiagarajan
Addl. Government Pleader
for 1st respondent

Mr.Raja Srinivas
for 2nd respondent

Mr.M.K.Subramanian
Government Pleader
for 3rd respondent

Mr.B.Natarajan
for 4th respondent

ORDER

(Order of the Court was made by the Acting Chief Justice)

Ms.Vasudha Thiagarajan, learned Additional Government Pleader takes notice for the first respondent. Mr.Raja Srinivas, learned counsel takes notice for the second respondent. Mr.M.K.Subramanian, learned Government Pleader takes notice for the third respondent and Mr.B.Natarajan, learned counsel takes notice for the fourth respondent.

2. Heard the learned counsel for the parties.

3. The petitioners have filed this writ petition seeking issuance of a writ of Certiorari Mandamus to call for the records relevant to the order in Na.Ka.No.258/2004/A1, dated 23.1.2017 passed by the 3rd respondent and quash the same as illegal, improper, unreasonable, arbitrary and violative of the principles of natural justice and thereby direct the respondents to remove the lock and seal put up in the petitioners shop by name D.R.Super Market and Furniture, situated at Survey No.86/2, Naravarikuppam Village, G.N.T. Road, Redhills, Chennai - 600 056 and handover the same to the petitioners to enable them to rectify the deviations as pointed out by the 3rd respondent in the petitioners building as per the Second Master Plan for Chennai Metropolitan Development Authority 2026 and other regulations prescribed under the Chennai Metropolitan Development Authority Act.

4. The petitioners have constructed a commercial complex without appropriate planning permission and had violated the Rules. Based on the directions of the Supreme Court, continuous

action was taken against the construction and the building was sealed on 5.12.2016. The petitioner has been served with notice directing him to demolish the building and restore it to the original position, failing which it was observed that the Panchayat shall take action to demolish the building. The said notice is under challenge.

5. A perusal of the impugned notice dated 23.1.2017 reveals that the matter has reached finality before the Supreme Court and it is based on the directions issued by the Supreme Court, the building has been sealed and kept under lock. This being the case, the Court is not inclined to grant the relief as sought for by the petitioners. It is for the petitioners to approach the Supreme Court seeking any clarification or modification of the order already passed, if they are so advised.

The writ petition is dismissed. No costs. Consequently, W.M.P.Nos.5281 to 5284 of 2017 are closed.

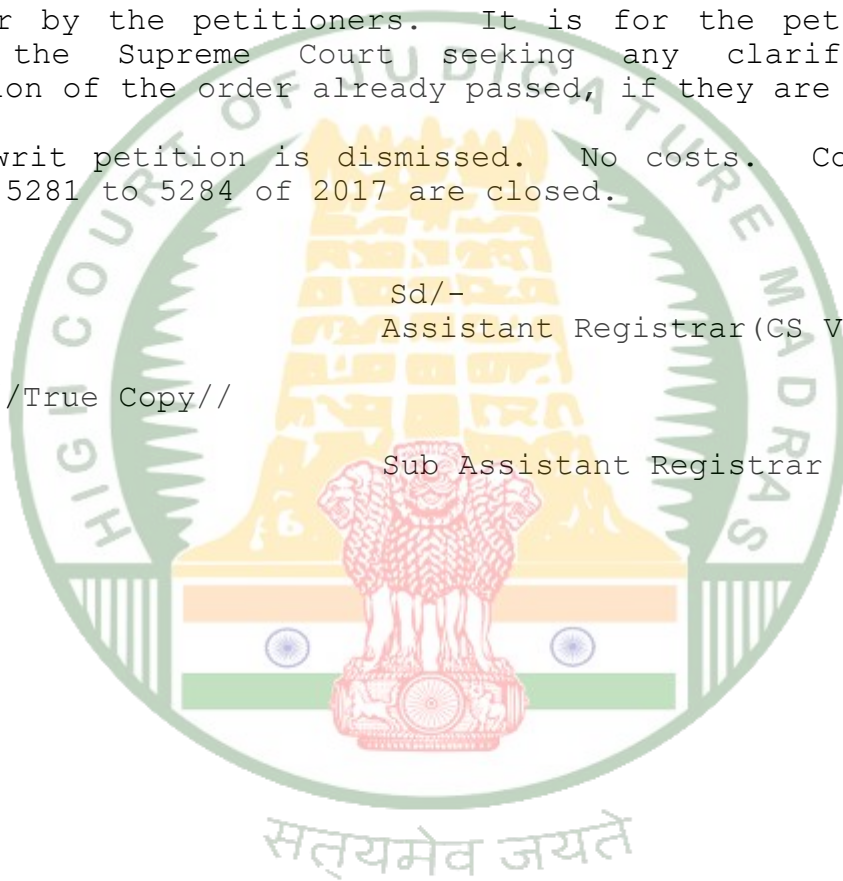
Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

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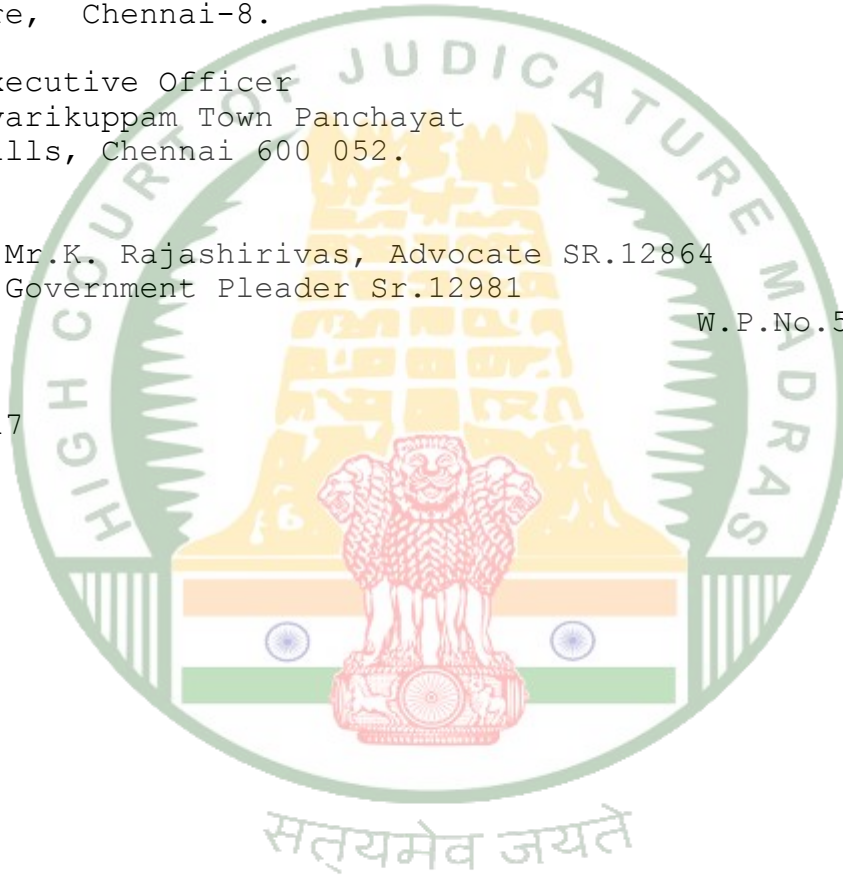
To:

1. The Secretary to Government
State of Tamilnadu
Housing and Urban Development Department
Secretariat, St. Fort George, Chennai 600 009.
2. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai-8.
3. The Executive Officer
Naravarikuppam Town Panchayat
Redhills, Chennai 600 052.

+ 1 cc to Mr.K. Rajashirivas, Advocate SR.12864
+ 1 cc to Government Pleader Sr.12981

W.P.No.5017 of 2017

KS(CO)
EU 10.03.17



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