

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.7083 of 2017
and
W.M.P.No.7698 of 2017

1.Kishore Kumar
2.Saroj Bai
3.Bhavin Kumar ... Petitioners

Vs.

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003.
2. The Executive Engineer,
Corporation of Chennai,
Zone V,
No.62, Basin Bridge Road,
Chennai - 600 021.
3. The Assistant Executive Engineer,
Zone V,
Unit 13, Division 57,
Corporation of Chennai,
No.27, Seven Wells Road,
Chennai - 600 001. ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to remove (de-seal) the lock and seal put up by the respondent with regard to the building at No.30, Irulappan Street, Sowcarpet, Chennai - 600 079 forthwith to enable the petitioners to rectify the deviations as well as to restore the building to the permissible planning rules and regulations in the said premises on the basis of the petitioners representation dated 07.3.2017.

For Petitioner : Mr.R.Mohan

For Respondents : Mr.R.Arunmozhi

ORDER

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

Mr.R.Arunmozhi, learned counsel takes notice for the respondents.

2. The petitioners have filed this writ petition, seeking for a direction to the respondents to remove the lock and seal in respect of the premises No.30, Irulappan Street, Sowcarpet, Chennai - 600 079, so as to enable them to rectify and restore the said premises in conformity with the sanctioned plan, on the basis of their representation dated 07.03.2017.

3. According to the petitioners, they are the joint owners of the building. At the time of their purchase, the building consisting of ground plus three floors admeasuring about 695 square feet on each floor which was about 35 years old. After purchase, the petitioners without demolishing the original building and in view of the fact the building is lesser than the minimum planning issuable area, made certain internal modifications and exceeded elevations to the building for their use and occupation. While so, alleging violations, the officials of the Chennai Corporation issued locking and sealing notice on 26.12.2016 and thereafter, the premises came to be locked and sealed on 25.02.2017. The petitioners would state that they are ready to rectify the deviations in the building as per the rules and regulations and, in this regard, they have also submitted a representation on 07.3.2017 to respondents 2 and 3, but no reply is forthcoming. Hence, the petitioners have approached this Court with this writ petition, for the relief stated supra.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5. In respect of the alleged violation of the planning permission issued for construction of the building, lock and seal notice was issued by the second respondent on 26.12.2016, pointing out certain irregularities in the construction of the building.

6. The learned counsel for the petitioners undertakes to rectify the defects pointed out by the second respondent within a reasonable time. It is also submitted that pursuant to the lock and seal notice issued, the second respondent has locked and sealed the premises on 25.2.2017.

7. Considering the facts and circumstances of the case, we feel, interest of justice would be subserved if the petitioners are given an opportunity to rectify the defects pointed out by the second respondent within a reasonable time. Therefore, we direct the second respondent to remove the lock and seal made to the premises in question within a period of one week from the date of receipt of a copy of this order so as to facilitate the petitioners to rectify the defects and, thereafter, it is for the petitioners to comply with the deviations pointed out by the second respondent within a period of two months. On satisfaction of compliance so made by the petitioners, it is for the second respondent/authority to take a final decision on the matter in accordance with law. Till then, no coercive action shall be taken by the respondents against the petitioners.

8. The writ petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.No.7672 of 2017 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To:

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No.27, Seven Wells Road,
Chennai - 600 001.

+1 CC to Mr. R. Mohan, Advocate sr 18048

+1 CC to M/s. R. Arunmozhi, Advocate sr 18435

W.P.No.7083 of 2017

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