

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2017

CORAM

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

W.P.No.7353 of 2017

S.Balan

.. Petitioner

Vs.

1 The Secretary to Government
Tamil Nadu Housing and Urban Development
Department, Secretariat, Fort St. George
Chennai - 600 009.

2 The Executive Engineer
Unit-1, Zone-1,
Corporation of Greater Chennai
Thiruvoittiyur, Chennai - 600 019.

3 The Assistant Executive Engineer
Unit-1, Zone-1,
Corporation of Greater Chennai
Thiruvoittiyur, Chennai - 600 019.

4 The Assistant Engineer
Unit-1, Zone-1, Division 2
Corporation of Greater Chennai
Kathivakkam High Road
Chennai - 600 019.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 2 to 4 to forthwith de-seal the premises at No.13/21, Anna Nagar, 1st Street, Ennore, Chennai - 600 057 so as to enable the petitioner to rectify the alleged deviation, if any, (Since Incomplete) pending finalization of the above appeal and planning permission.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader
for 1st respondent

Mr.A.Nagarajan
for respondents 2 to 4

ORDER

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

Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for the first respondent and Mr.A.Nagarajan, learned counsel takes notice for respondents 2 to 4.

2. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus directing respondents 2 to 4 to forthwith de-seal the premises at No.13/21, Anna Nagar, 1st Street, Ennore, Chennai - 600 057, so as to enable the petitioner to rectify the alleged deviation, if any, (since incomplete) pending finalization of the above appeal and planning permission.

3. It is the case of the petitioner that he is the owner of the building. It is alleged that the respondent authorities issued a lock and seal notice on account of deviations and violations in construction and thereafter proceeded to lock and seal the premises. It is stated that the petitioner preferred an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 and the same is pending consideration. In the meantime, he seeks a direction to the respondent authorities to de-seal the premises to carry out the rectifications and to restore the building as per the permissible planning rules and regulations.

4. Considering the facts and circumstances of the case, we are of the considered view that interest of justice would be subserved if the petitioner is given an opportunity to rectify the defects pointed out by the respondents within a reasonable time. Therefore, we direct the respondent authorities to remove the lock and seal put on the premises within a period of one week from the date of receipt of a copy of this order and thereafter, it is for the petitioner to rectify the defects pointed out by the respondent authorities within a period of two months. On satisfactory compliance by the petitioner, it is for the respondent authorities to take a final decision in the matter in accordance with law. Till then, no coercive action

shall be taken against the petitioner. We make it clear that the petitioner shall not occupy the building until the deviations are rectified and the building is held to be in conformity with the building plan.

The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To:

- 1 The Secretary to Government
Tamil Nadu Housing and Urban Development
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+1 CC to Mr. K.B. Vivekanandan, Advocate sr 18942
+1 CC to Mr. A. Nagarajan, Advocate, sr 18840
+1 CC to Govt. Pleader sr 19480

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