

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2017

CORAM

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

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.5646 of 2017

and W.M.P.No.6030 of 2017

C.R.Rajan

.. Petitioner

Vs.

1.The Corporation of Chennai
Rep. by its Commissioner
Rippon Buildings
Chennai-3.

2.The Executive Engineer
Zone 8, Corporation of Chennai
Region Office - Central
Second Cross Street (East)
Pulla Avenue
Shenoy Nagar Chennai-30.

3.The Assistant Executive Engineer
Unit XXI
Corporation of Chennai
Villivakkam, Chennai-49.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents herein to remove (de-seal) the lock and seal put up by the respondents herein with regard to the building at No.10/4, South High Court Colony Main Street, Villivakkam, Chennai-49 forthwith to enable the petitioner 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 petitioner's representation dated 3.1.2017.

For Petitioner

Mr.R.Mohan

For Respondents

Mr.A.Nagarajan
for respondent Nos.1 to 3

ORDER

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

Mr.A.Nagarajan, learned counsel takes notice for the respondents.

2. The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus directing the respondents herein to remove (de-seal) the lock and seal put up by the respondents herein with regard to the building at No.10/4, South High Court Colony Main Street, Villivakkam, Chennai-49 forthwith to enable the petitioner 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 petitioner's representation dated 3.1.2017.

3. The petitioner is the owner of the premises in question and admits that there are certain deviations from the approved plan in respect of the construction put up by him. The respondent authorities issued lock and seal notice on 18.10.2016. Thereafter, a de-occupation notice was issued on 8.11.2016. Assailing the same, the petitioner preferred a special revision under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 along with an application for stay and the same is pending consideration. That apart, the petitioner has sent a representation on 3.1.2017 to respondents 2 and 3 to de-seal the premises to enable the petitioner to carryout the rectifications insofar as the violated portions are concerned.

4. On hearing learned counsel for the parties, we direct the respondent authorities to consider the representation of the petitioner dated 3.1.2017 and pass appropriate orders in accordance with law within three months from the date of receipt of a copy of this order. We make it clear that even if such de-sealing of the premises is ordered by the respondent authorities, the petitioner shall not occupy the building until the deviations are rectified and the building is restored in conformity with the building plan.

The writ petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To:

- 1.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai-3.
- 2.The Executive Engineer
Zone 8, Corporation of Chennai
Region Office - Central
Second Cross Street (East)
Pulla Avenue
Shenoy Nagar Chennai-30.
- 3.The Assistant Executive Engineer
Unit XXI
Corporation of Chennai
Villivakkam, Chennai-49.

+1cc to Mr. A. Nagarajan, Advocate Sr. 14618
+1cc to Mr.R. Mohan, Advocate Sr. 14486

W.P.No.5646 of 2017

MSM(CO)
VR(20/03/2017)

सत्यमेव जयते

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