

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.3.2017

CORAM

THE HONOURABLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.6713 of 2017
and
W.M.P.No.7253 of 2017

Mrs. Usha Rani Santhanam
rep. by her power of Attorney
S.Ravichandran

Petitioner

Versus

- 1 The Government of Tamilnadu
rep. by its Secretary
Housing & Urban Development Department
Secretariat Fort St. George
Chennai 600 009
- 2 The Regional Deputy Commissioner (South)
Greater Chennai Corporation
having Office at No. 115
Dr.Muthulakshmi Salai
Adyar Chennai 600 020
- 3 The Executive Engineer
Greater Chennai Corporation Zone V
Sholinganallur Chennai 600 119
- 4 The Assistant Executive Engineer
Division 196 Zone V
Sholinganallur Chennai 600 119
- 5 The Assistant Engineer
Greater Chennai Corporation
Division 196 Vettuvankani
Injambakkam Chennai.

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the 2nd to 5th respondents from in any way interfering with the building at Door No. 208, 7 & 7A, 2nd Avenue, 2nd Cross Street, Prabala Nagar, Injambakkam, Chennai 600 115, particularly by way of Locking and Sealing and pending

final determination of the appeal dated 14.11.2016 pending with the 1st respondent under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

For petitioner : Ms.S.Meenakumari

For R1 : Mrs.Vasudha Thiagarajan, AGP

For RR2 to 5 : Mr.A.Nagarajan

ORDER

(Order of the court was made by HULUVADI G.RAMESH, ACJ.)

Heard the learned counsel appearing for the petitioner and Mrs.Vasudha Thiagarajan, learned Additional Government Pleader and Mr.A.Nagarajan, learned counsel, who takes notice on behalf of the first respondent and respondents 2 to 5 respectively.

2. The writ petition is filed seeking issuance of a mandamus forbearing the 2nd to 5th respondents from in any way interfering with the building at Door No. 208, 7 & 7A, 2nd Avenue, 2nd Cross Street, Prabala Nagar, Injambakkam, Chennai 600 115, particularly by way of Locking and Sealing and pending final determination of the appeal dated 14.11.2016 pending with the 1st respondent under section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

3. According to the petitioner, she is the absolute owner of the building in question and with regard to a slight variation from the approved plan, the second respondent herein had issued lock and seal notices No.599/2015 dated 30.10.2015 and Zone/B4/RDC(S)T.P.E.N.F./A19/37/2016 dated 15.9.2016. Aggrieved against the same, it appears that the petitioner had already preferred an appeal before the first respondent which is still pending. Now, it is the apprehension of the petitioner that the respondent-authorities would take coercive steps to lock and seal the premises and disturb the occupation of the premises by the petitioner and hence, the present writ petition has been filed.

4. The matter pertains to construction by deviating from the approved plan. Considering the facts and circumstances of the case, in the interest of justice, this court is of the view that the petitioner is to be given an opportunity to rectify the defects pointed out by the respondent-authorities.

Accordingly, the respondents are directed to de-seal the premises, if it had already been sealed, within a period of one week from the date of receipt of a copy of this order to enable the petitioner to rectify the defects pointed out by them,

within a a period of two months thereafter. On satisfaction of compliance so made by the petitioner, it is for the respondents to take a final decision on the matter by disposing of the appeal filed by the petitioner, in accordance with law. Till then, no coercive action shall be taken by the respondents against the petitioner.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

ssk.

To:

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Greater Chennai Corporation
Division 196 Vettuvankani
Injambakkam Chennai.

+1cc to Mr.A.Nagarajan, Advocate SR.No.17322
+2cc to Mr.D.Balachandran, Advocate SR.No.17189
+1cc to Government Pleader, Advocate SR.No.17369

W.P.No.6713 of 2017

SKS (CO)
GN(04/04/2017)