

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.04.2017
CORAM
THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.8777 of 2017

Safitha Banu

.. Petitioner

Vs.

- 1 The State of Tamilnadu
rep. by its Secretary
Housing and Urban Development Department
Fort St. George
Chennai - 600 009.
 - 2 The Commissioner
Corporation of Chennai
Ripon Building
Chennai - 600 003.
 - 3 The Executive Engineer
Corporation of Chennai
Regional Office - Central
2nd Cross Street (East)
Pulla Avenue, Shenoy Nagar
Chennai - 600 030.
- .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records relating to the impugned lock and seal Notice No.Region Central/ TPENF/1152/2015, dated 27.8.2015 issued by the third respondent under Sections 56 and 57 read with Section 85 of the Tamilnadu Town and Country Planning Act, 1971 and quash the same and consequently direct the respondents to consider the petitioner's representation dated 24.8.2015 and application for planning permission dated 7.9.2015.

For Petitioner : Mr.J.William Shakesphere

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

Mr.A.Nagarajan
for respondents 2 and 3

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

In this writ petition, the petitioner has challenged the locking and sealing and demolition notice dated 27.8.2015 issued by the Corporation of Chennai under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, as amended by Act 61 of 2008.

2. It appears that a notice being Regional Central/TPENF/1152/2015, dated 19.8.2015, was issued to the petitioner calling for the approved plan for construction, which was not produced. The site in question was apparently inspected on 19.8.2015.

3. On the face of the averments in this writ petition and the documents appended thereto, there is a clear admission that the petitioner has constructed a three storeyed structure without obtaining sanction of any building plan. According to the petitioner, such construction is inadvertent. It is difficult to appreciate how a three storeyed structure could inadvertently have been constructed without obtaining requisite sanction.

4. On behalf of the respondents, it is stated that the land belongs to the Integral Coach Factory of the Indian Railways. The petitioner, however claims to have purchased vacant land from one Murugesan by a registered deed, a copy whereof is enclosed. The schedule to the sale deed reads thus:

"1040 Sq.Ft. of vacant land situated within the Sub-Registration District of Villivakkam and Registration District of Central Chennai."

5. If the land in question belonged to the Integral Coach Factory of the Indian Railways, Murugesan could not have sold the same to the petitioner. The petitioner has not come to this Court with clean hands.

6. A writ may lie for enforcement of a constitutional right, a legal right or may be in certain cases even an equitable right. In this case, the petitioner apparently has no right at all to the relief claimed in the writ petition.

The writ petition is, therefore, dismissed. No costs.
Consequently, W.M.P.No.9619 of 2017 is closed.

-s/d-
Assistant Registrar(CSIII)

True Copy

Sub-Assistant Registrar

sasi

To:

- 1 The Secretary
State of Tamilnadu
Housing and Urban Development Department
Fort St. George
Chennai - 600 009.
- 2 The Commissioner
Corporation of Chennai
Ripon Building
Chennai - 600 003.
- 3 The Executive Engineer
Corporation of Chennai
Regional Office - Central
2nd Cross Street (East)
Pulla Avenue, Shenoy Nagar
Chennai - 600 030.

+1 cc to Government Pleader sr 22366
+1 cc to Mr.A.Nagarajan Advocate sr 22237

W.P.No.8777 of 2017

kjl(co)
aa21/04/2017

WEB COPY