

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2017

CORAM

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

W.P.No.6825 of 2017

1 Kailash Kumar Singhvi
2 Ashok Kumar
3 Umi Devi ... Petitioners

Vs.

1 The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai-03.
2 The Regional Deputy Commissioner
Greater Chennai Corporation
O/o.Regional Deputy Commissioner (North)
No.61, Basin Bridge Road, Chennai-21.
3 The Zonal Officer
Zone-V, Greater Chennai Corporation
No.61, Basin Bridge Road,
Chennai-21. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents herein to (de-seal) remove the lock and seal put up by the respondents herein with regard to the petitioners premises bearing Door No.54/483, Mint Street, Kondithoppu, 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 regulation in the said premises within 6 months on the basis of the petitioners representation dated 6.3.2017.

For Petitioners : Mr.S.Santhan

For Respondents : Mr.A.Nagarajan

ORDER

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

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

2. The petitioners have filed this writ petition seeking issuance of a writ of Mandamus directing the respondents herein to (de-seal) remove the lock and seal put up by the respondents herein with regard to the petitioners premises bearing Door No.54/483, Mint Street, Kondithoppu, 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 regulation in the said premises within 6 months on the basis of the petitioners representation dated 6.3.2017.

3. It is the case of the petitioners that they are owners of the building. It is stated that the respondent authorities issued a de-occupation notice on 11.11.2016. Thereafter, on 18.11.2016, the respondents locked and sealed the building. Challenging the same, the petitioners preferred an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 on 1.2.2017 and the same is pending consideration. The petitioners also made a representation on 6.3.2017 to the respondent authorities seeking to de-seal the premises to carry out the rectifications and to restore the building as per the permissible planning rules and regulations. However, no orders were passed on the same. Hence, the present writ petition.

4. Considering the facts and circumstances of the case, we are of the considered view that interest of justice would be subserved if the petitioners are 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 petitioners to rectify the defects pointed out by the respondent authorities within a period of two months. On satisfactory compliance by the petitioners, 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 petitioners. We make it clear that the petitioners 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.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To:

- 1 The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai-03.
- 2 The Regional Deputy Commissioner
Greater Chennai Corporation
O/o.Regional Deputy Commissioner (North)
No.61, Basin Bridge Road, Chennai-21.
- 3 The Zonal Officer
Zone-V, Greater Chennai Corporation
No.61, Basin Bridge Road, Chennai-21.

+1cc to Mr.S.Santhan, Advocate Sr.17512
+1cc to Mr.A.Nagarajan, Advocate Sr.17324

W.P.No.6825 of 2017

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srg 5/4/2017