

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2017

CORAM

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

W.P.No.7908 of 2017

T.Krishnaveni Ammal

.. Petitioner

Vs.

The Chennai Metropolitan Development Authority
rep. by its Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai - 600 008.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondent to de-seal the lock and seal put up by the respondent with regard to the building at New Door Nos.100 & 101 (Old door Nos.259 to 264), Triplicane High Road (Quaide-Millath Road), Chennai-5 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 representation dated 29.10.2015.

For Petitioner : Mr.P.Ramanathan

For Respondent : Mr.C.Johnson

ORDER

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

Mr.C.Johnson, learned counsel takes notice for the respondent.

2. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus directing the respondent to de-seal the lock and seal put up by the respondent with regard to the building at New Door Nos.100 & 101 (Old door Nos.259 to 264), Triplicane High Road (Quaide-Millath Road), Chennai-5 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 representation dated 29.10.2015.

3. It is the case of the petitioner that she is the owner of the building. It is alleged that the respondent issued a lock and seal notice on account of deviations and violations in construction and thereafter proceeded to lock and seal the premises. Aggrieved by the same, the petitioner preferred an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 and the same is pending consideration. The petitioner also made a representation to the respondent on 29.10.2015 to remove the lock and seal for carrying out the rectification and restore the building as per the original condition. However, no orders were passed on the said representation. Hence, he has filed this writ petition seeking a direction to the respondent 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 respondent within a reasonable time. Therefore, we direct the respondent 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 within a period of two months. On satisfactory compliance by the petitioner, it is for the respondent 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. Consequently, W.M.P.No.8653 of 2017 is closed.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To:

The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road, Egmore, Chennai - 600 008.

+1 cc to Mr.P.Ramanathan, advocate, sr.19977

+1 cc to Mr.C.Johnson, advocate, sr.19960.

gj (co)

krd 18/4

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