

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM

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

THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.6989 of 2017

1 S.Gopalakrishnan
2 G.Senthilkumar
3 G.Dhanasekar

... Petitioners

Vs

1.The State of Tamil Nadu
rep. by Secretary
Housing and Urban Development Department
Fort St George, Chennai-9.

2.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai-08.

3.The Commissioner
Corporation of Chennai
Ripon Building
Chennai-03.

4.The Executive Engineer
Zone V, Greater Chennai Corporation
No.62, 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 to forthwith remove the Lock and Seal in respect of the premises at Old No.97, New No.4, Rasappa Street, Edapallyam, Chennai-3, so as to enable the petitioners to rectify and restore the said premises in conformity with the Sanctioned Plan on the basis of the representation dated 2.3.2017.

For Petitioners : Mr.L.Chandrakumar

For Respondents : Ms.Vasudha Thiagarajan
Addl. Government Pleader
for 1st respondent

Mr.K.Rajasrinivas
for 2nd respondent

Mr.A.Nagarajan
for respondents 3 and 4

ORDER

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

Ms.Vasudha Thiagarajan, learned Additional Government Pleader takes notice for the first respondent. Mr.K.Rajasrinivas, learned counsel takes notice for the second respondent and Mr.A.Nagarajan, learned counsel takes notice for respondents 3 and 4.

2. The petitioners have filed this writ petition seeking issuance of a writ of Mandamus directing the respondents to forthwith remove the Lock and Seal in respect of the premises at Old No.97, New No.4, Rasappa Street, Edapallyam, Chennai-3, so as to enable the petitioners to rectify and restore the said premises in conformity with the Sanctioned Plan on the basis of the representation dated 2.3.2017.

3. The petitioners claim to be the owners of the property. A lock and seal and demolition notice was issued on 8.12.2016 alleging deviations/unauthorized construction. Thereafter, the premises was locked and sealed on 27.1.2017. The petitioner made a representation on 2.3.2017 to respondents 2 to 4 requesting them to de-seal the premises so as to enable the petitioners to rectify the deviations and restore the premises in conformity with the sanctioned plan. However, the same did not evoke any response from the respondent authorities. 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/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

sasi

To:

- 1.The Secretary
State of Tamil Nadu
Housing and Urban Development Department
Fort St George, Chennai-9.
- 2.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai-08.
- 3.The Commissioner
Corporation of Chennai
Ripon Building
Chennai-03.
- 4.The Executive Engineer
Zone V, Greater Chennai Corporation
No.62, Basin Bridge Road, Chennai-21.

+1cc to the Government Pleader Sr. 17936

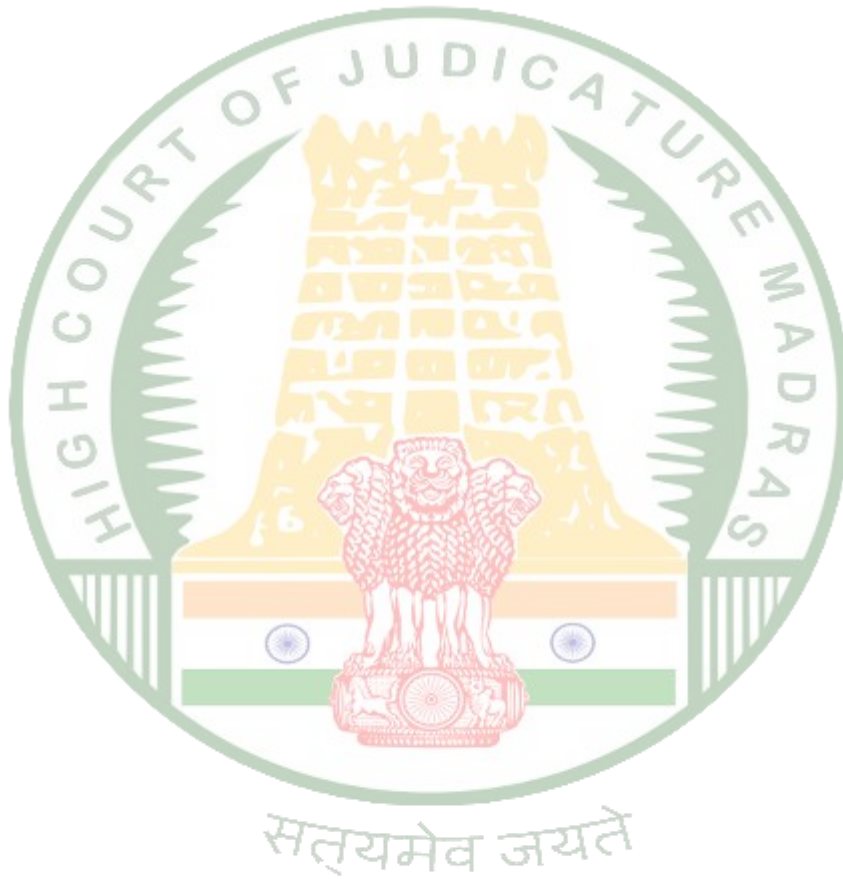
+1cc to Mr.A. Nagarajan, Advocate Sr. 17780

+1cc to Mr.L. Chandrakumar, Advocate Sr. 17867

+1cc to Mr.K. Raja Shrinivas, Advocate Sr. 18197

W.P.No.6989 of 2017

SVI (CO)
VR(05/04/2017)



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