

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.12401 of 2017
& W.M.P.No.13156 of 2017

Mrs. Jeevanti Bai

...Petitioner

Vs

1. The Principal Chief Engineer,
Greater Chennai Corporation,
Rippon Building, Chennai.
 2. The Executive Engineer Zone-V,
Enforcement Wing,
Greater Corporation of Chennai,
61, Basin Bridge Road, Royapuram,
Chennai.
 3. The Assistant Executive Engineer,
Division -57, Unit 13, Zone-V,
Greater Chennai Corporation,
Park Town, Chennai-600 001.
- ...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus, directing the
2nd and 3rd respondents herein to remove the lock and seal put
up in the building at Old No. 128, New No. 119, Nayaniappa (N)
Street, Edapalayam, Chennai - 600 003 to enable the petitioner
to rectify the deviations and remove unauthorised constructions
put up in the building.

For Petitioner : Mr. B. Singaravelu

For Respondents : Mr. V.C. Selvasekaran,
Addl.GP, Chennai Corporation.

O R D E R

(Order of the Court was made by K.KALYANASUNDARAM, J.,)

The building of the petitioner has been sealed by the
Corporation on deviation found as per the lock and seal notice
dated 03.11.2016. The deviation shows that even set back has not

been left on the ground floor, which is not an easy issue to cure. The 2nd and 3rd respondents had taken stringent action and locked and seal the premises on 25.02.2017, without giving any opportunity to the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner is ready to rectify the deviations and remove the unauthorised constructions put up in the building. Hence, the petitioner seeks de-sealing of the building for purposes of rectification.

3. On hearing the learned counsel for parties, we are of the view that at the inception, the petitioner must obtain a report from a structural engineer as to how she proposes to bring the building within the conformity limits and submit to the respondent Corporation for scrutiny. On verification of the same, the Corporation may de-seal the building for rectification, but making it clear that the petitioner or anyone claiming under her will not occupy on any portion of the property which has been sealed during the period of rectification. On the period granted by the Corporation for rectification, re-verification will be done by the Corporation within one (1) week of expiry of such period and if the rectifications are carried out, well and good, otherwise the building will be re-sealed.

4. Writ Petition is disposed of in the aforesaid terms. No costs.

Sd/-
Asst.Registrar (V.O)

/true copy/

Sub Asst. Registrar

सत्यमेव जयते

pvs/ak

To

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+2ccs to Mr.B.Singaravelu,Advocate sr.37046

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kk(co)
ss(15/5/2017)



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