

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2017

CORAM

THE HON'BLE MR. JUSTICE R.MAHADEVAN
AND
THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.No.12700 of 2017

A.K.S.Hidayathullah

.. Petitioner

Vs

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

2 The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai-03.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents herein to remove the lock and seal put up in the building at New No.6, Old No.27, Mooker Nallamuthu Street, Mannady, Chennai-600 001, to enable the petitioner to rectify the deviations and remove unauthorized constructions put up in the building.

For Petitioner : Mr.D.Balachandran

For Respondents : Mr.C.D.Johnson
for 1st respondent
Mr.A.Nagarajan
for 2nd respondent

ORDER

(Order of the Court was made by R.Mahadevan,J.)

The petitioner claims to be the owner of the land and building comprised in New No.6, Old No.27, Mooker

Nallamuthu Street, Mannady, Chennai-600 001. Alleging certain deviations in the construction, the first respondent issued a lock and seal and demolition notice on 22.11.2016. The premises was locked and sealed by the officials of the first respondent on 7.4.2017. Thereafter, the petitioner made a representation to the first respondent on 1.5.2017 to permit him to rectify the deviations and restore the building within the conformity limits. Since the said representation did not evoke any response, the present writ petition is filed.

2. Even though it is not so specifically mentioned in the affidavit, the learned counsel for the petitioner undertakes that the petitioner will not occupy the premises unless the deviations are rectified. The said undertaking is taken on record.

3. On hearing the learned counsel for the parties, we are of the view that, at the inception, the petitioner must obtain a report from a structural engineer as to how he proposes to bring the building within the conformity limits and submit to the first respondent for scrutiny. On verification of the same, the first respondent may de-seal the building for rectification, but making it clear that the petitioner or anyone claiming under him will not occupy on any portion of the property which has been sealed during the period of rectification. On the period granted by the first respondent for rectification, re-verification will be done by the first respondent 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.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.13524 of 2017 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

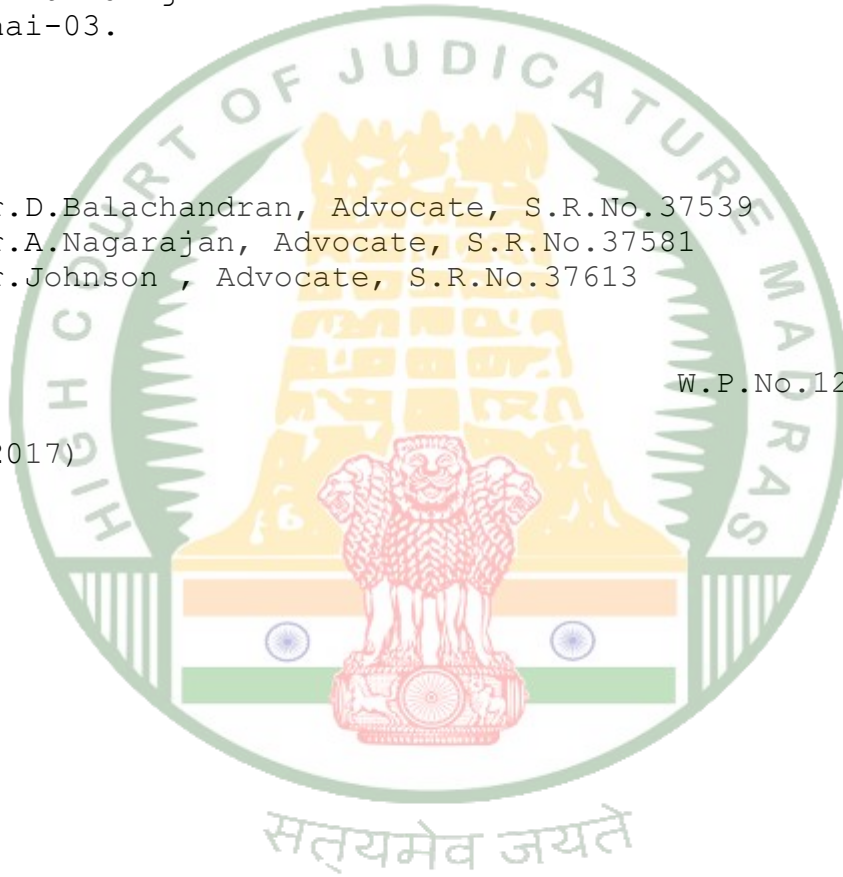
To:

- 1 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai-08.
- 2 The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai-03.

+1cc to Mr.D.Balachandran, Advocate, S.R.No.37539
+1cc to Mr.A.Nagarajan, Advocate, S.R.No.37581
+1cc to Mr.Johnson , Advocate, S.R.No.37613

W.P.No.12700 of 2017

RJ(CO)
RS(22/05/2017)



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