

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.13147 of 2017

Bharat Raj Mehta

... Petitioner

v.

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

... Respondent

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to (de seal) remove the lock and seal put up by the respondent with regards to the petitioner's premises bearing Door No:367, Old No.181, Mint Street, Parktown, Sowcarpet, Chennai 600 003 forthwith to enable the petitioner to rectify the deviations and to restore the building to the permissible planning rules and regulations in the said premises within 6 months on the basis of the petitioners representation dated 09.05.2017.

For Petitioner : M/s.S.Santhosh

For Respondent : Mr.C.Johnson

ORDER

[Order of the court was made by M.M.SUNDRESH, J.,]

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) remove the lock and seal put up by the respondent with regards to the petitioner's premises bearing Door No.367, Old No.181, Mint Street, Park Town, Sowcarpet, Chennai 600 003

forthwith, to enable the petitioner to rectify the deviations and to restore the building to the permissible planning rules and regulations in the said premises within 6 months on the basis of the petitioners representation dated 09.05.2017.

3. It is the case of the petitioner that he is the owner of the building. It is stated that the respondent authority issued a de-occupation notice on 28.10.2016. Thereafter, on 22.12.2016, the respondent locked and sealed the building. Challenging the same, the petitioner preferred an appeal under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 on 09.03.2017 and the same is pending consideration. The petitioner also made a representation on 09.05.2017 to the respondent authority 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 petitioner is given an opportunity to rectify the defects pointed out by the respondent within a reasonable time. Therefore, we direct the respondent authority 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 authority within a period of two months. On satisfactory compliance by the petitioner, it is for the respondent authority 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.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To

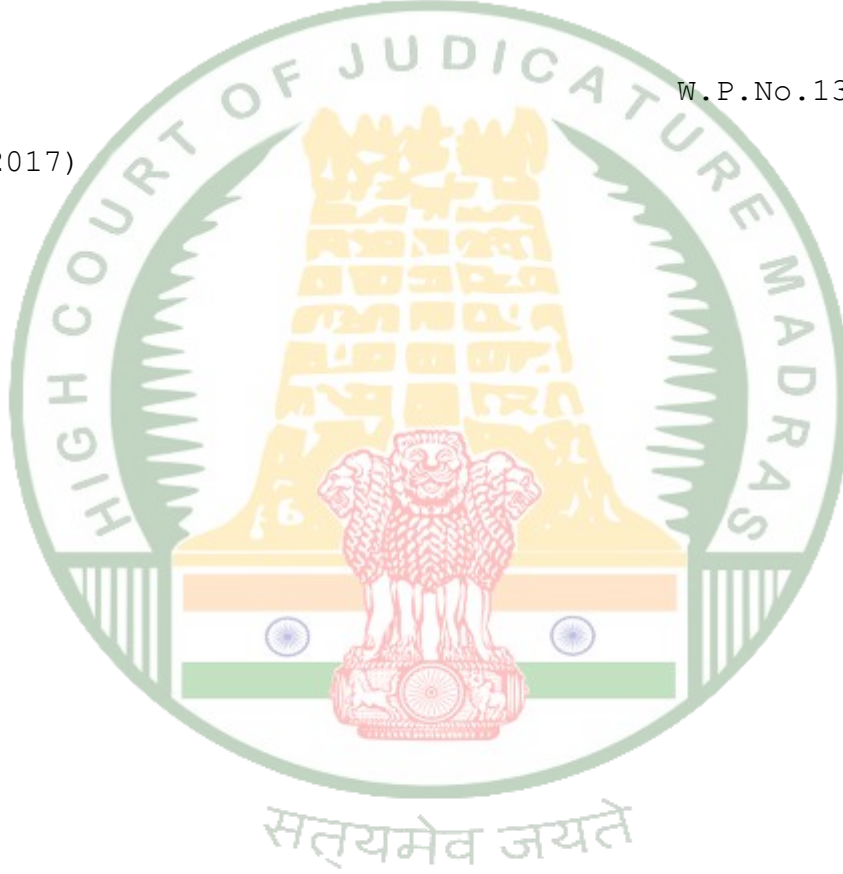
The Member Secretary,
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

+1cc to Mr.S.Santhish, Advocate, S.R.No.37875

+1cc to Mr.Johnson, Advocate, S.R.No.37948

W.P.No.13147 of 2017

RSK(CO)
RS(30/05/2017)



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