

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2017

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

AND

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

W.P.No.34070 of 2017

and

WMP.No.37808 of 2017

C.R.Rajan ... Petitioner

Vs.

- 1 The Corporation of Chennai
Rep. by its Commissioner
Rippon Building
Chennai - 600 003.
 - 2 The Executive Engineer
Zone-8, Corporation of Chennai,
Region Office-Central,
Second Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai-30.
 3. Government of Tamil Nadu
rep. by its Secretary to Government,
Housing and Urban Development
Department, Fort St. George,
Chennai-9.
- .. Respondents

PRAYER: Petition filed 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 by the respondent herein with regard to the building at No.10/4, South High Court Colony Main Street, Villivakkam, Chennai-49 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's representation dated 09.11.2017 to the 3rd respondent.

For Petitioner : Mr.R.Mohan
For Respondents : Mr.A.Nagarajan for R1 and R2
Mr.T.N.Rajagopalan,
Spl.Govt.Pleader for R3

ORDER

(Order of the Court was made by Justice M.S.Ramesh)

Mr.A.Nagarajan, learned counsel takes notice for the respondents 1 and 2 and Mr.T.N.Rajagopalan, learned Special Government Pleader takes notice for the 3rd respondent.

2. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus directing the respondents herein to de-seal the building situated at No.10/4, South High Court Colony Main Street, Villivakkam, Chennai-49 forthwith, which was sealed on 29.11.2016 to enable the petitioner to carry out the rectifications and restore the building as per permissible planning rules and regulations.

3. It is the case of the petitioner that he is the owner of the building situated at No.10/4, South High Court Colony Main Street, Villivakkam, Chennai-49. It is alleged that the respondent authorities, without verifying the age of the building, issued a lock and seal notice on account of deviations and violations in construction and thereafter proceeded to lock and seal the premises. It is stated that 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 authorities 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 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 petitioner to rectify the defects pointed out by the respondent authorities within a period of two months. On satisfactory compliance by the petitioner, it is for the respondent authorities to take a final decision in the matter in accordance with law. *** The authorities will hear the complainants, if any in this case before taking a final decision.** 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.

5. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)
Dated: 09/01/2018

*** Order Corrected as per order of this
Lordships Letter dated 18/09/2018**

**Sd/- Assistant Registrar(CS VI)
Dated: 01/10/2018**

//True Copy//

Sub Assistant Registrar

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To:

- 1 The Commissioner,
Corporation of Chennai,
Rippon Building
Chennai - 600 003.
- 2 The Executive Engineer
Zone-8, Corporation of Chennai,
Region Office-Central,
Second Cross Street (East),
Pulla Avenue, Shenoy Nagar,
Chennai-30.
3. Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development
Department, Fort St. George, Chennai-9.

+1cc to Mr.R.MOHAN Advocate, S.R.No. 92593
+1cc to Mr.NAGARAJAN Advocate, S.R.No. 92624
+1cc to the Government Pleader, S.R.No. 92660

W.P.No.34070 of 2017

MG(CO)
TR(11/01/2018)
GN(01/10/2018)