

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2017

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.Nos.3467 and 3468 of 2017

Mahesh G.Dave

.. Petitioner
in both WPs

Vs.

1. Greater Corporation of Chennai
Zone VI, rep by the Executive Officer
No.5, Anderson Road
Ayanavaram, Chennai-23. .. 1st respondent
in WP:3467/2017
and sole respondent
in WP:3468/2017

2. The Assistant Executive Engineer/
Unit-17, Zone VI
Greater Corporation of Chennai
No.5, Anandan Road
Chennai-23. .. 2nd respondent
in WP:3467/2017

PRAYER in W.P.No.3467 of 2017: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari calling for the records of the 2nd respondent and quash the proceedings of the respondents dated 02.01.2017 bearing No. Z.O/C.No.11634/AE/78/2016.

PRAYER in W.P.No.3468 of 2017: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Prohibition, prohibiting the respondent from locking and sealing the portion of the petitioner situate in the first floor of Saraswathi Flat bearing No.12/3, Chokkavel Subramaniya Koil Street, First Floor, Choolai Chennai- 600 112, including the right of the petitioner to use the said property without any hindrance or interference pursuant to the notice dated 25.11.2016 bearing No.Zone6/TPENF/004/2016.

For Petitioner

: Mr.Samir S.Shah for
M/s.Shah and Shah

For Respondents

: Mr.V.C.Selvasekaran

COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

On inspection of the property, a de-occupation notice was issued on 25.11.2016 which shows that the second floor is completely unauthorized, but the ground and first floor has no deviation/unauthorized construction. The petitioner is the occupant of the first floor. He also states that the ground floor has two dwelling units. Despite that, it is alleged that as per the order of the Assistant Executive Engineer dated 2.1.2017 there is a threat even on the petitioner of de-sealing.

2. The learned counsel for the Corporation states that in view of the notice dated 25.11.2016 only the second floor, which is unauthorized, will be sealed and no action is contemplated against the ground and the first floor.

3. The aforesaid statement is taken on record and that being the position, there is no question of any sealing of the premises of the petitioner.

The writ petitions are disposed of accordingly. No costs. Consequently, W.M.P.Nos.3448 to 3450 of 2017 are closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

sasi

To:

1. The Executive Officer
Greater Corporation of Chennai
Zone VI, No.5, Anderson Road
Ayanavaram, Chennai-23.
2. The Assistant Executive Engineer/
Unit-17, Zone VI
Greater Corporation of Chennai
No.5, Anandan Road
Chennai-23.

+2ccs to M/s.Shah & shah sr.9143

W.P.Nos.3467 and 3468 of 2017

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