

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2017

CORAM :

The Hon'ble MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.42499 of 2016

1.Mangilal  
2.Magailal  
3.Ajith Kumar

... Petitioners

-vs-

1.The Commissioner,  
Coonoor Municipality,  
The Nilgiris District.

2.The Principal Secretary to the Govt.,  
Municipal Administration and  
Water Distribution Board,  
Fort St. George,  
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to desal the premises bearing Door Nos.22 and 23 in Survey Nos.46 and 47, Block No.20, Ward B and permit the petitioner to complete the renovation work as directed by the respondent in Proceeding Nos.A.K.K.V.No.22/2015 F1 and A.K.K.V.No.23/2015 F1 dated 29.09.2015.

For Petitioners : Mr.A. Thiagarajan SC for  
Mr.S.Ramesh Kumar

For Respondents : Mr.P.Mohanarangan for R1  
Mr.T.N.Rajagopalan  
Spl. G.P. for R2

ORDER

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

This writ petition has been filed by the petitioners seeking a writ of mandamus directing the respondents to de-seal the premises of the petitioners bearing Door Nos.22 and 23, Alaisate compound, Coonoor and permit the petitioners to complete the renovation work.

2. It is the case of the petitioners that they are the owners of the property bearing Door No.22 and 23 situated in Ward B, Block No.20, T.S.Nos.46 and 47, Alaisate compound, Coonoor. After obtaining planning permission, they had constructed the shops and the same were assessed to tax. On 10.10.2014, the first respondent issued a notice stating that there is a deviation in the first floor and directed the petitioners to demolish the building. As against the demolition notice, the petitioners have preferred appeal to the State Government and the said appeal was rejected on 13.03.2015. It is averred that during the pendency of the appeal, the petitioners have rectified certain percentage of defects. Thereafter, the State Government has called upon the petitioners to submit a revised plan, converting the commercial shops into a residential house and get it approved. The petitioners have also submitted a revised plan and obtained permission. It is further averred that the petitioners have converted the commercial shops into a residential house. While things stood thus, on 22.11.2016, the respondents have locked and sealed the premises of the petitioners. The said act of the respondents is arbitrary and illegal. Hence, the petitioners have filed the present writ petition.

3. Heard the learned counsel for the parties for some time.

4. The learned counsel for the petitioners during the course of arguments submitted that 60% of the defects have been rectified and 40% of the rectification work has to be done. The learned counsel for the petitioners further submitted that if the premises is de-sealed and three months time is granted, the petitioners will be able to rectify the remaining 40% rectification work.

5. In view of the aforesaid, we grant three months' time to the petitioners to rectify the remaining 40% defects, after de-sealing of the premises by the respondent authorities. In case the petitioners do not rectify the defects in toto within the stipulated time, the respondent/authorities are at liberty to proceed in accordance with law.

6. The writ petition is disposed of in the aforesaid terms. No costs.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

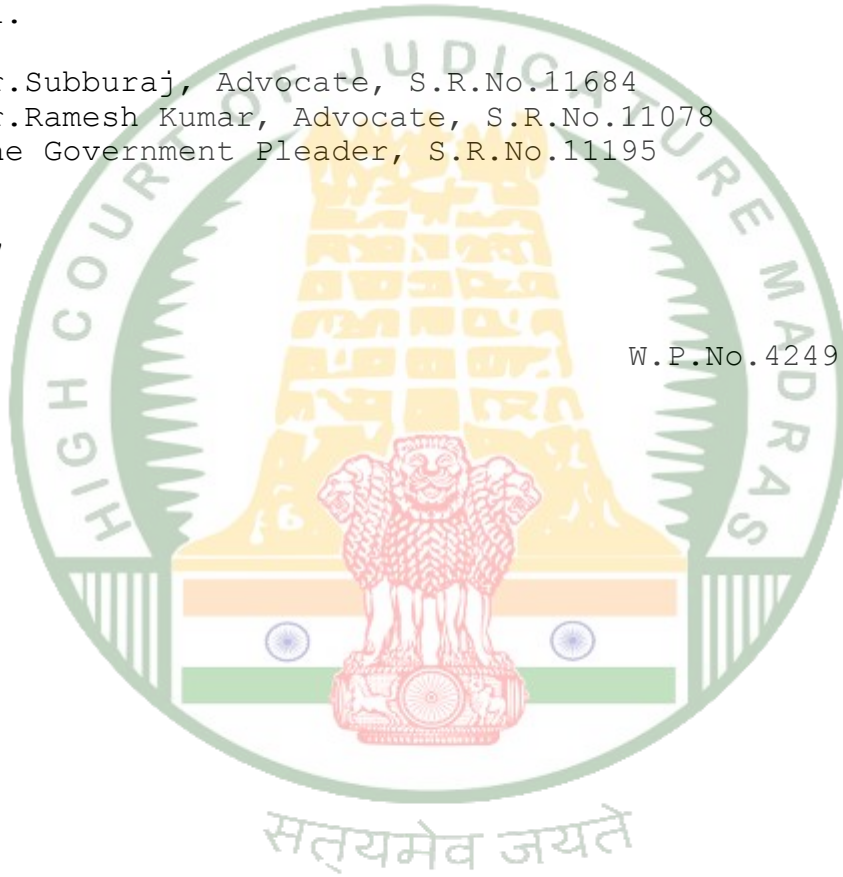
1.The Commissioner,  
Coonoor Municipality,  
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Municipal Administration and Water  
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Fort St. George,  
Chennai.

+1cc to Mr.Subburaj, Advocate, S.R.No.11684  
+1cc to Mr.Ramesh Kumar, Advocate, S.R.No.11078  
+1cc to the Government Pleader, S.R.No.11195

MG(CO)  
Eu 2.03.17

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