

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P. Nos.44320 to 44326 of 2016

Umi Devi	.. Petitioner in
	W.P.No.44320/2016
Veena Devi	.. Petitioner in
	W.P.No.44321/2016
Hadmat Singh	.. Petitioner in
	W.P.No.44322/2016
Manish Kumar	.. Petitioner in
	W.P.No.44323/2016
Ashok Kumar M.Jain	.. Petitioner in
	W.P.No.44324/2016
Uttam Chand	.. Petitioner in
	W.P.No.44325/2016
Jeethmal Jain	.. Petitioner in
	W.P.No.44326/2016

-vs-

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai-600 003.
- 2.The Assistant Engineer,
Greater Chennai Corporation,
Division No.54,
No.1, M.C. Road,
Chennai-600 021.
- 3.The Assistant Executive Engineer,
Unit 13, Greater Chennai Corporation,
Division No.54,
No.1, M.C.Road,
Chennai-600 021.

4.The Executive Engineer,
Zone V, Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai-600 021.

5.M/s.Nakoda Foundations and Development (P) Ltd.,
rep. by its Director Mukesh Jain,
No.97, Narayana Mudali Street,
Sowcarpet, Chennai-600 079. .. Respondents in
all W.Ps.

W.P.No.44320 of 2016 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to forthwith remove the seal put on the petitioner flat bearing Door No.12, in the 5th floor of premises bearing Door No.54, Old Door No.483, Mint Street, Sowcarpet, Chennai-600079 by the respondents 2 to 4 on 18.11.2016 and permit the petitioner to occupy the flat till 30.6.2017.

W.P.No.44321 of 2016 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to forthwith remove the seal put on the petitioner flat bearing Door No.6, in the 2nd floor of premises bearing Door No.54, Old Door No.483, Mint Street, Sowcarpet, Chennai-600079 by the respondents 2 to 4 on 18.11.2016 and permit the petitioner to occupy the flat till 30.6.2017.

W.P.No.44322 of 2016 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to forthwith remove the seal put on the petitioner flat bearing Door No.9, in the 3rd floor of premises bearing Door No.54, Old Door No.483, Mint Street, Sowcarpet, Chennai-600079 by the respondents 2 to 4 on 18.11.2016 and permit the petitioner to occupy the flat till 30.6.2017.

W.P.No.44323 of 2016 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to forthwith remove the seal put on the petitioner flat bearing Door No.13, in the 5th floor of premises bearing Door No.54, Old Door No.483, Mint Street, Sowcarpet, Chennai-600079 by the respondents 2 to 4 on 18.11.2016 and permit the petitioner to occupy the flat till 30.6.2017.

W.P.No.44324 of 2016 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to forthwith remove the seal put on the petitioner flat bearing Door No.10, in the 4th floor of premises bearing Door No.54, Old Door No.483, Mint Street, Sowcarpet, Chennai-600079 by the respondents 2 to 4 on 18.11.2016 and permit the petitioner to occupy the flat till 30.6.2017.

W.P.No.44325 of 2016 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to forthwith remove the seal put on the petitioner flat bearing Door No.11, in the 4th floor of premises bearing Door No.54, Old Door No.483, Mint Street, Sowcarpet, Chennai-600079 by the respondents 2 to 4 on 18.11.2016 and permit the petitioner to occupy the flat till 30.6.2017.

W.P.No.44326 of 2016 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to forthwith remove the seal put on the petitioner flat bearing Door No.7, in the 2nd floor of premises bearing Door No.54, Old Door No.483, Mint Street, Sowcarpet, Chennai-600079 by the respondents 2 to 4 on 18.11.2016 and permit the petitioner to occupy the flat till 30.6.2017.

For Petitioner : Mr.Ashok Menon
For Respondents : Mr.V.C.Selvasekaran for R1 to R4

COMMON ORDER

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

We have heard the learned counsel for the petitioners in these matters. The petitioners are the occupants of the five floors building unauthorisedly constructed. The brazenness of the builder and the purchasers is apparent from the fact that where the sanction is for upto the second floor, a five storied building has been constructed.

2. The learned counsel for the petitioners has drawn our attention to the order passed by us in W.P.Nos.33126 and 33127 of 2016 dated 22.11.2016 in respect of the owners on the ground floor. However, it is not in dispute that the ground floor constructed had sanction, albeit unauthorised extensions were made. Thus, three months' time was granted to remove the unauthorised portion of the construction. Unfortunately, in these cases of the petitioners, the total construction is

without sanction. Unless the construction made is regularized, there cannot be any question of re-occupation of the building by the petitioners.

3. We may clarify that if the petitioners seek to remove their goods or materials, for that limited purpose, they may approach the Corporation, and for certain period of time to do so, the premises may be de-sealed by the Corporation only for the limited objectives and for the limited time period.

4. The writ petitions are dismissed in terms aforesaid. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai-600 003.
- 2.The Assistant Engineer,
Greater Chennai Corporation,
Division No.54,
No.1, M.C. Road,
Chennai-600 021.
- 3.The Assistant Executive Engineer,
Unit 13, Greater Chennai Corporation,
Division No.54,
No.1, M.C.Road,
Chennai-600 021.
- 4.The Executive Engineer,
Zone V, Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai-600 021.

+14cc to Mr.Ashok Meaen, Advocate, S.R.No.27 to 33

ksj (CO)
md(09/01/2017)

W.P.Nos.44320 to 44326 of 2016