

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.11264/2018

V.Subramani

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Petitioner

Versus

1.The Secretary to Government
Housing & Urban Development
Department, Secretariat,
Chennai 600 009.

2.The Commissioner
Greater Chennai Corporation
No1, New Street, Alandur
Chennai 600 016.

3.The Executive Engineer
Zone XII, No.1, New Street
Alandur, Chennai 600016.

..

Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 3rd respondent herein to [de-seal] remove the lock and seal put up by the 3rd respondent herein with regard to No.334, Audco Colony, Alandur, Chennai-116, to enable the petitioner to carry out rectify/demolish the portion of the building and to leave appropriate set back and construct a building as per the plan.

For Petitioner : Mr.S.Santhan
For R1 : Mr.R.Udhayakumar, AGP
For RR2&3 : Mr.K.Soundararajan

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal. Mr.R.Udhayakumar, learned Additional Government Pleader accepts notice on behalf of the 1st respondent and Mr.K.Soundararajan, learned Standing counsel accepts notice on behalf of the respondents 2 and 3.

2 The petitioner claims to be the owner of 838.5 sq.ft. of the land in S.No.19/2, TS.No.2 of Audco Colony, in Adambakkam, and it measures 77 sq.m and he has put up a superstructure. The 3rd respondent, vide Notice No.641/2016 dated 05.04.2016, has issued the Lock and Seal Notice and challenging the same, the petitioner has filed an appeal/special revision u/s.80-A of the Tamil Nadu Town and Country Planning Act, 1971 and it was rejected on 11.07.2016 and the petitioner made a challenge to the said order, by filing WP.No.33925/2017, and vide order dated 04.01.2018, the said writ petition came to be disposed of and it is relevant to extract paragraph No.7 of the said order:-

"....

7 *In view of the same, the petitioner shall leave appropriate set back and construct a building, as per the plan sanctioned by the authorities, on an application that may be made by the petitioner, within a period of one month from the date of receipt of a copy of this order. The respondents shall take steps to accord planning permission and also inspect the building in question and ensure that the building has been constructed in accordance with the plan, that may be sanctioned by the authorities. This Court makes it very clear that the building in question is meant for dwelling purpose and not for any other plan, permanent electricity connection can be effected by the Tamil Nadu Electricity Board."*

3 The learned counsel for the petitioner would submit that the petitioner is willing to demolish the superstructure for the purpose of putting up a new construction after obtaining the approved plan and therefore, sought permission of the Assistant Executive Engineer, Zone-XII, Greater Corporation of Chennai, vide representation dated 22.03.2018 and despite receipt and acknowledgment, it has not been disposed of and hence, the petitioner came forward to file the present writ petition.

4 The Court heard the submissions of Mr.R.Udhayakumar, learned Additional Government Pleader appearing for the 1st respondent and Mr.K.Soundararajan, learned Standing Counsel appearing for the respondents 2 and 3 and perused the materials placed before it.

6 This Court, taking into consideration, the limited scope of prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner in his representation, directs the 3rd respondent to remove the lock and seal, after getting the concurrence from the 2nd respondent for the demolition of the said superstructure so as to enable the petitioner to demolish the entire superstructure and put up a new structure/construction after obtaining necessary planning permit/approval. The said exercise is to be carried out within a period of six weeks from the date of receipt of a copy of this order and the communication in that regard, shall be sent to the petitioner herein.

7 The writ petition stands disposed of with the above direction.
No costs.

[MSNJ] [PRMJ]
28.04.2018

Internet : Yes
AP

To

1.The Secretary to Government
Housing & Urban Development
Department, Secretariat,
Chennai 600 009.

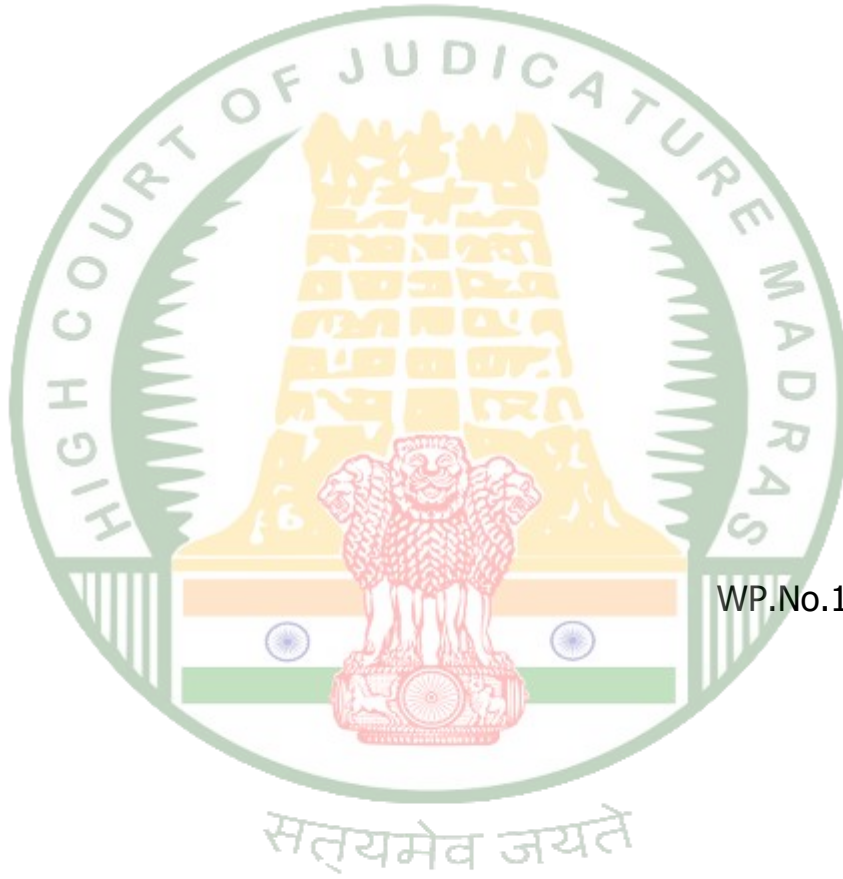
2.The Commissioner
Greater Chennai Corporation
No1, New Street, Alandur
Chennai 600 016.

3.The Executive Engineer
Zone XII, No.1, New Street
Alandur, Chennai 600016.



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M.SATHYANARAYANAN, J.,
AND
P.RAJAMANICKAM, J.,
AP



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