

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2018

CORAM

THE HON'BLE MR. JUSTICE S.VAIDYANATHAN
and
THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P. No.27512 of 2018

and

W.M.P.No.32024 of 2018

ART Biotech Private Limited
rep. by its Director Lavanya ... Petitioner

Vs.

1.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 3.

2.The Executive Engineer,
Greater Chennai Corporation,
No.33, Arcot Road,
Valasaravakkam,
Chennai - 87.

... Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the respondents to consider the petitioner's representation dated 12.10.2018 to de-seal and permit the petitioner company to remove all the belongings, equipments, furniture and stocks lying inside the premises at Door No.35, Anna Salai, Lakshmi Nagar (Dhiraviyam Nagar 2nd Street), Porur, Chennai - 116.

For Petitioner .. Mr.T.Arul Selvan

For Respondents .. Mr.A.Nagarajan

ORDER

(Order of the Court was made by S.VAIDYANATHAN, J.)

Heard the learned counsel appearing for the parties.

2.Writ petition has been filed seeking for the issuance of mandamus to direct the respondents to consider the representation of the petitioner dated 12.10.2018 to de-seal and permit the petitioner company to remove all the belongings, equipments, furniture and stocks lying inside the premises at Door No.35, Anna Salai, Lakshmi Nagar (Dhiraviyam Nagar 2nd Street), Porur, Chennai - 116.

3.The main grievance of the petitioner is that the second respondent has issued a de-occupation notice dated 06.04.2018 under Sections 56 and 57 of The Town and Country Planning Act, 1971 and despite the efforts taken by the petitioner, the premises in question was locked and sealed on 16.04.2018 by the second respondent. Since the belongings of the petitioner are needed for Pooja celebration, the present writ petition has been filed.

4.When the matter is taken up for hearing, it is represented by Mr.A.Nagarajan, learned counsel appearing for the respondents that the building in question has been constructed in violation of the plan and notice has been given to persons including the owner and tenants and that the respondents have no objection in de-sealing the premises on 17.10.2018 to enable the petitioner to remove their belongings and thereafter, they will re-seal the premises.

5.In view of the submission made by the learned counsel appearing for the respondents, the premises in question is directed to be de-sealed on 17.10.2018 and the petitioner is directed to take their belongings between 11 a.m. and 5 p.m. Thereafter, the respondents shall re-seal the premises. Till the building is brought in accordance with the Plan, the authorities concerned shall not effect electricity connection to the premises in question.

With the above direction, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Lok Adalat)

//True Copy//

Sub Assistant Registrar

mmi
To

1.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 3.

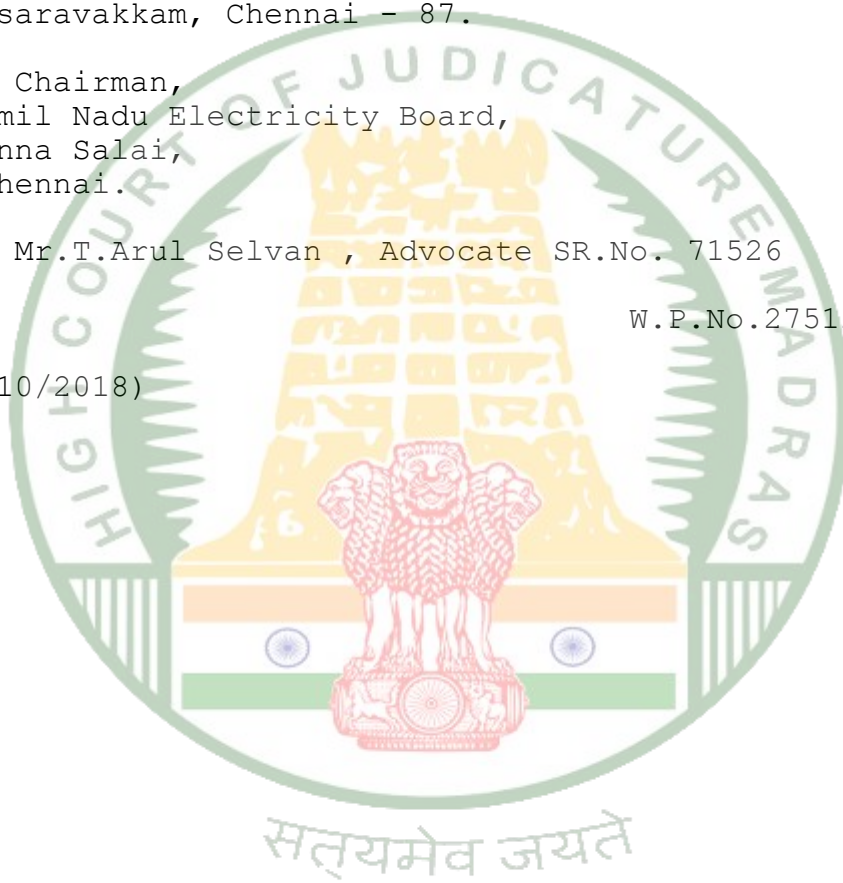
2.The Executive Engineer,ZONE XI,
Greater Chennai Corporation,
No.33, Arcot Road,
Valasaravakkam, Chennai - 87.

3. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai.

+1cc to Mr.T.Arul Selvan , Advocate SR.No. 71526

W.P.No.27512 of 2018

ASK(16/10/2018)



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