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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.34782 of 2019

T.Emmanuvel

... Petitioner

Vs

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai 600 003.
 2. The Executive Engineer,
Zone-8, Corporation of Greater Chennai
(Enforcement - Region - Central)
Regional Office - Central
2nd Cross street, (East) Pulla Avenue,
Shenoy Nagar, Chennai 600 024.
 3. The Zonal Officer,
Zone-8, Corporation of Greater Chennai,
Shenoy Nagar, Chennai 600 024.
 4. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to forthwith remove the lock and seal (de-seal the premises) in respect of the premises at No.54, 2nd Main Road, Anna Nagar (East), Chennai 600 102, so as to enable the petitioner to rectify and restore the said premises in conformity with the sanctioned plan within a specified period as may be prescribed by this Court on the basis of the representation dated 06.08.2019 followed by yet another representation dated 29.08.2019 and 09.11.2019.

For Petitioner : Mr.L.Chandrakumar

For Respondents: Mr.A.Nagarajan for R1 to R3
Mr.S.Thiruvengadam for R4



O R D E R

[Order of this Court was made by R.SUBBIAH, J]

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The petitioner has filed this writ petition for issuance of a writ of Mandamus directing the respondents to forthwith remove the Lock and Seal in respect of the premises at No.54, 2nd Main Road, Anna Nagar (East), Chennai 600 102, so as to enable the petitioner to rectify and restore the said premises in conformity with the Sanctioned Plan on the basis of the representation dated 06.08.2019 followed by two more representations dated 29.08.2019 and 09.11.2019.

2. The petitioner claims to be the owner of the property. A lock and seal and demolition notice was issued on 02.04.2018 alleging deviations/unauthorised construction. Thereafter, the premises was locked and sealed on 18.04.2018. The petitioner made a representation on 06.08.2019 to the second respondent requesting him to de-seal the premises so as to enable the petitioner to rectify the deviations and restore the premises in conformity with the sanctioned plan. However, the same did not evoke any response from the said respondent. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that if the respondent authorities are directed to remove the lock and seal of the premises, then the petitioner would demolish the violated portion of the premises and further submitted that the petitioner undertakes that he will not put up any additional construction without prior permission from the respondents.

4. In view of the submission made by the learned counsel for the petitioner, this Court directs the respondents to remove the lock and seal of the said premises, within a period of one week from the date of receipt of a copy of this order, to enable the petitioner to demolish the violated portion of the premises, within a period of four weeks from the date on which the lock and seal was removed. On satisfactory compliance by the petitioner, it is for the respondents to take a final decision in the matter in accordance with law. Till then, no coercive action shall be taken against the petitioner. We make it clear that the petitioner shall not occupy the building until the deviations are rectified and the building is held to be in conformity with the building plan. The writ petition is disposed of accordingly. No costs.



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5. For reporting compliance, post on 01.03.2020.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

dpq
To

1. The Commissioner,
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Copy to:
The Section Officer,
Writ Section, High Court, Chennai.

+5ccs to Mr.L.Chandrakumar , Advocate SR.No. 689 (06/01/2020)
Writ Petition No.34782 of 2019
A.SK(02/01/2020)