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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MS. JUSTICE P.T.ASHA

Writ Petition No.35873 of 2019

J.Zahir Hussain

...Petitioner

vs.

1. The Additional Secretary (Technical),
Government of Tamil Nadu,
Housing and Urban Development,
Fort St. George,
Chennai 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
3. The Commissioner,
Greater Corporation of Chennai,
Ripon Building,
Chennai 600 003.
4. The Executive Engineer (TP Enforcement),
Corporation of Chennai,
Central Zone (VIII),
2nd Cross Street (East),
Pulla Avenue, Thiru Vee Ka Park,
Shenoy Nagar, Chennai 600 030.
5. The Assistant Executive Engineer,
Unit - II, Town Planning Approval Section,
Regional Office Center,
Corporation of Chennai,
No.36-G, Pulla Avenue, Shenoy Nagar,
Chennai 600 030.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified mandamus, to call for the records in pursuance of the order of the 1st Respondent vide Letter No.20380/UD-VI(2)/2019-2, dated



24.10.2019 and quash the same and consequently direct the 2nd Respondent to de-seal the building at No.1, Veerasamy Street and Chinna (Reddy) Street, Egmore, Chennai 600 008.

For Petitioner : Mr.K.Sankaran
For 1st Respondent : Mr.S.N.Parthasarathy
Government Advocate
For 2nd Respondent : Mr.S.Thiruvengadam
For Respondents 3 to 5 : Mr.V.C.Selvasekaran

O R D E R

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

Seeking to quash the impugned order dated 24.10.2019 passed by the 1st Respondent vide Letter No.20380/UD-VI(2)/2019-2, and for a consequential direction to the 2nd Respondent to de-seal the building at No.1, Veerasamy Street and Chinna (Reddy) Street, Egmore, Chennai, the Petitioner has come up with this Writ Petition.

2. Admittedly, the building in question has been constructed in violation of the Approved Plan. Learned counsel for the Petitioner submitted that, the Petitioner has filed a fresh Plan for approval. However, it was refuted by the learned counsel appearing for the Respondent/CMDA that, pursuant to the passing of the order impugned in the present Writ Petition, no Application has been made by the Petitioner for demolition and construction, till date, and that, the building in question has been under 'Lock and Seal'.

3. Though learned counsel for the Petitioner submitted that, tenants are in occupation of the building in question, the Petitioner, in his Affidavit, has stated that, the building is under 'Lock and Seal'. He went on to state that, time granted by the authority concerned to rectify the defects in the building, is not sufficient and that, the Petitioner may be granted further three months' time to comply with the conditions stipulated in the impugned order. Learned counsel further submitted that, the Petitioner has agreed to comply with the Plan as per the conditions stipulated in paragraph 7 of the impugned order, if not already complied with. Also, the Petitioner has agreed to pay five times electricity charges with effect from 01.01.2020 till the completion of work.

4. Taking note of the above submissions, since the impugned order dated 24.10.2019 passed by the 1st Respondent herein is a well considered one, we are not inclined to interfere with the same. However, as sought for by the Petitioner, this Court grants further time of three months' from today to rectify the defects, as stated in paragraph 7 of the



impugned order. Failure to comply with the same by the Petitioner would enable the authorities concerned to proceed further, based on the impugned order dated 24.10.2019, which has been confirmed by this Court.

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5. It is made clear that electricity charges payable by the Petitioner shall not be recovered from the tenants, if any, in occupation of the premises. It is further made clear that if anyone is in occupation of the building in question, the Petitioner will be liable to be taken to task by the Government.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected W.M.P.No.36781 and 36782 of 2019 are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

(rst/aeb)

To :

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+1 CC to Mr.K.Sankaran, Advocate sr 106846.

W.P.No.35873 of 2019

PPA(CO)
SP(30/12/2019)