

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.34848 of 2018

and

W.M.P.Nos.40400 & 40402 of 2018

Mr. V.Venkatesan

.. Petitioner

..Vs..

1. The Secretary to Government
Housing and Urban Development Department
Fort St.George, Chennai 09
2. The Additional Secretary to Government
Housing and Urban Development Department
Fort St.George, Chennai 09
3. The Commissioner
Corporation of Greater Chennai
Rippon Building, Chennai -3
4. The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Road, Egmore, Chennai -8
5. The Executive Engineer
Zone XI, Corporation of Greater Chennai
Valasaravakam, Chennai
6. R.Lakshmanan .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 5th respondent in proceedings vide No.Mu.All.Na.Ka.No.C3 / 10340/2018, dated 28.11.2018, quash the same and consequently

direct the 5th respondent to de-seal and open the premises bearing MIG B-18, 2nd Cross Street, Kurinji Nagar, Ramapuram, Chennai -89.

For Petitioners : Mr.S.Saravanakumar

For Respondents : Mr.V.Jayaprakash Narayanan
Govt. Pleader (i/c) - for R1 & R2

Mr.R.Soundarrajan - for R3 & R5
Mr.S.Thiruvengadam - for R4
R6 - Not Ready in Notice

O R D E R

(Order of the Court made by The Hon'ble Chief Justice
and M.DURAI SWAMY, J.)

The above Writ Petition has been filed by the petitioner to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the respondent No.5 in proceedings dated 28.11.2018, to quash the same and consequently direct the respondent No.5 to de-seal and open the premises bearing MIG B-18, 2nd Cross Street, Kurinji Nagar, Ramapuram, Chennai -89.

2. The petitioner has filed the Writ Petition challenging the Locking & Sealing Notice dated 28.11.2018.

3.1 It is pertinent to note that earlier the Locking & Sealing Notice was issued to the petitioner on 06.01.2018. On 17.07.2018, the building was locked and sealed by the authorities. Challenging the Locking & Sealing Notice, the petitioner filed an appeal before the Appellate Authority and the Appellate Authority, by order dated 13.06.2018, disposed of the appeal and directed the Greater Chennai Corporation to pursue further action. Thereafter, the petitioner filed a Writ Petition in W.P.No.17453 of 2018 challenging the order dated 13.06.2018 and the same is pending. Thereafter, the petitioner filed a Review Petition before the Appellate Authority to review the Locking & Sealing Notice dated 06.01.2018 and the De-occupation Notice dated 07.02.2018.

3.2 The respondent No.1/Appellate Authority, by order dated 19.07.2018, directed the Greater Chennai Corporation to de-seal the building for a month to carry out the rectification in the building subject to the condition that the building should not be occupied or put into any other use. Thereafter, the petitioner again failed an application seeking for extension of

time for rectification. On 12.09.2018, the Appellate Authority, granted two months time for completing the rectification work. Thereafter, on 10.11.2018, when the Junior Engineer of the Chennai Corporation inspected the site, he found that the petitioner has not rectified the deviations, therefore, the respondent No.5 passed the impugned order dated 25.11.2018 to lock and seal the premises on 03.12.2018. Challenging this order, the petitioner has filed the Writ Petition.

4. On a perusal of the materials available on record, it is clear that the petitioner has not rectified the deviations made by him so far and he has only filed applications for prolonging the matter. In spite of getting two months extension of time for rectifying the violations in the building, the petitioner has not rectified the same. Therefore, the respondent No.5 has issued the impugned notice dated 28.11.2018 for Locking & Sealing. In these circumstances, the petitioner cannot prolong the matter for an indefinite period by filing applications and appeals without rectifying the violations committed by him in the building.

5. For the reasons stated above, the Writ Petition is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

rj

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

To

1. The Secretary to Government
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4. The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Road,
Egmore, Chennai -8

5 The Executive Engineer
Zone XI, Corporation of Greater Chennai
Valasaravakam, Chennai

+1cc to Mr.S.Saravana Kumar, Advocate, S.R.No.11248

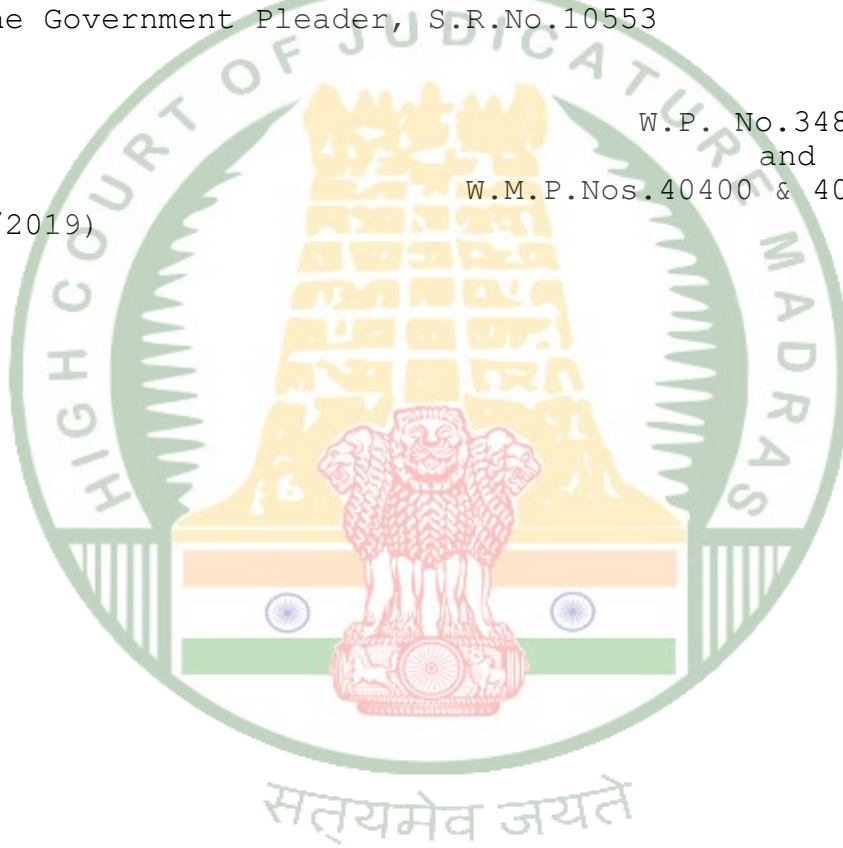
+1cc to Mr.S.Thiruvengadam, Advocate, S.R.No.10414

+1cc to the Government Pleader, S.R.No.10553

W.P. No.34848 of 2018
and

W.M.P.Nos.40400 & 40402 of 2018

kak(08/03/2019)



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