

W.P.No.13070 of 2020

M.SATHYANARAYANAN., J.
and
A.A.NAKKIRAN, J.

(Order of the Court was made by M.Sathyanarayanan.,J.)

This Court, in continuation and in conjunction with the final order is passing the following order.

2. The learned counsel appearing for the petitioner has drawn the attention of this Court to paragraph nos.3 to 5 of the additional affidavit dated 12.03.2021 and prays for extension of six months time to carry out the correction pertains to set back deviations, set out in the proceedings of the Principal Secretary to the Government, Housing and Urban Development UD-VI(1) Department, in G.O.(3D).No.161, dated 31.10.2019.

3. The learned counsel appearing for the petitioner would submit that the deviation is only a set back violation and since it is a residential premises, deviations are capable of being set right and also drawn the attention of this Court to paragraph nos.3 and 4 and prays for extension of time.

4. *Per contra*, Mr.Raja Srinivas, learned Senior Standing Counsel appearing for the respondents 1 and 2 has drawn the attention of this Court to the order dated 21.01.2020, wherein this Court has extracted the extent of deviations pointed out and would submit that the only intention of the petitioner used to drag on the proceedings and there is no *bona fide* in the petitioner's request and prays for dismissal of the same.

5. This Court has carefully considered the rival submission and also perused the materials placed before it.

6. This Court, after consideration and appreciation of the materials, is *prima facie* of the view that the set back violations cannot be considered to be the minor deviations or minor violations and that apart, the details of deviations are also set out in detail in the above cited order of the Government dated 31.10.2019 and it is also relevant to extract paragraph nos.3 to 5 of the additional affidavit of the petitioner dated 12.03.2021:

"3. I respectfully submit that from the day one I have been involved in negotiating with my neighbours for purchase of 40 sq.ft of vacant land in Koyambedu Village on the rear side of the petitioner's property. I have convinced

them about the exigencies of the purpose which is to save the dwelling house of agreement dated 03.03.2021 with one Mr.N.R.Harikrishnan for purchase of 40 sq.ft of vacant land for a sale consideration of Rs.5,00,000/- and paid a sum of Rs.1,00,000/-.

4. I have also been in negotiation with another neighbour for purchase of 2400 sq.ft of land (East side) for which the transaction process is at an advanced stage and iam absolutely confident of purchasing the above extent. I also intend to purchase 2700 sq.ft of land (West side) of the petitioner's property. One of the two deals would set right set back violations. Once that is done even the minor deviation of FSI at 0.48888 would be automatically corrected for the enlarged ground area subject to further inspection on the part of the 3rd respondent.

5. However for the above process I require some reasonable time as this Court deems fit under the circumstances as Iam seeking the gracious indulgence of this Court for the purpose of saving the residential unit where I live with my family comprising myself, my wife and a daughter and a son. My efforts are bonafide last resort and I shall complete the process within the further time that may be granted failing which voluntarily vacate the premises for the purpose of removing the deviations by the 1st respondent."

7. This Court, taking into consideration the above facts and

circumstances, especially the fact that the premises in question being used purely for residential purpose, is of the considered view that the petitioner is to be granted three months time for carrying out the correction relating to set back deviations and additional construction, as pointed out in the order of the Government dated 31.10.2019 in G.O.(3D).No.161.

8. In the result, the petitioner is granted three months time from the date of receipt of a copy of this order / uploading of the order in the Website, to set right the deviations / additional construction, pointed out in G.O.(3D).No.161 of the Principal Secretary to the Government, Housing and Urban Development UD-VI(1) Department, dated 31.10.2019. It is also made clear that if the petitioner is unable to rectify the said deviations, it is open to the jurisdictional officials of the Greater Chennai Corporation to lock and seal the premises and also take necessary steps to disconnect the electricity service connection granted to the premises and further that no extension of time will be granted under any circumstances.

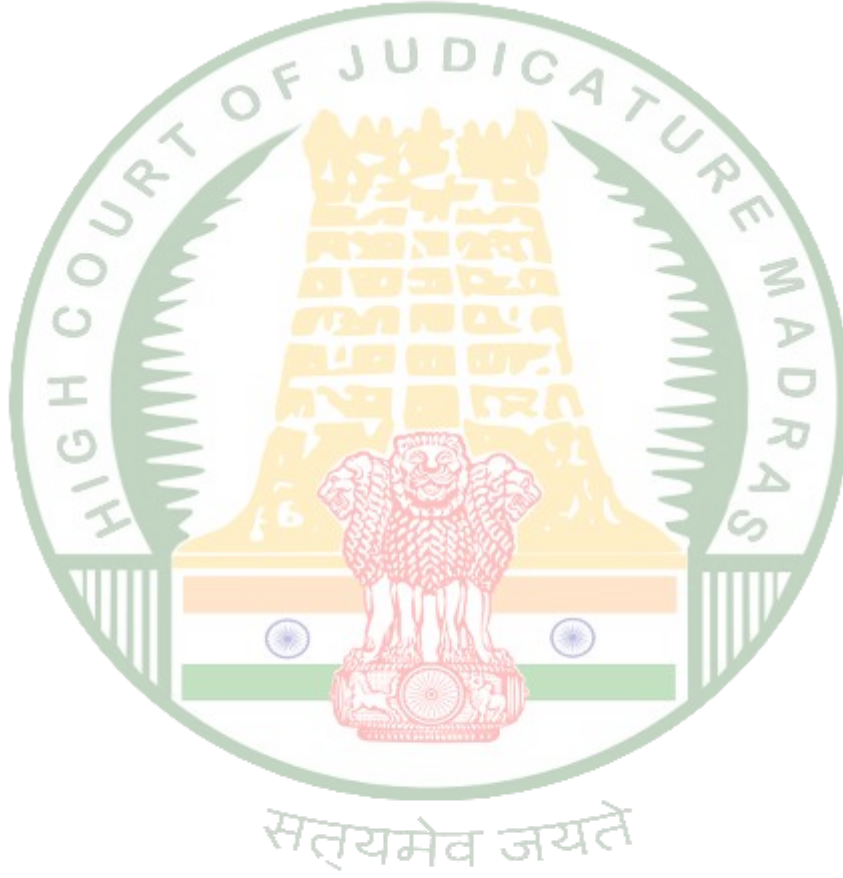
Call on 28.06.2021 "For Reporting Compliance".

[M.S.N., J]

[A.A.N., J]

25.03.2021

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M.SATHYANARAYANAN., J,
and
A.A.NAKKIRAN, J.

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