

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No. 14031 of 2020
and W.M.P.No.17421 of 2020

M/s.Olympic Cards Limited,
Rep. By its Managing Director,
Mr.N.Mohamed Faizal Ahmed,
Registered Office at
No.195, NSC Bose Road,
Chennai - 01. ... Petitioner

Vs

- 1.Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 09.
- 2.Chennai Metropolitan Development Authority,
Rep. By its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 08.
- 3.The Greater Chennai Corporation,
Rep. by its Commissioner,
Rippon Buildings, Chennai - 03. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the records of the 1st respondent rejecting the petitioner's Review Petition under Section 81 of the Tamil Nadu Town and Country Planning Act, 1971 vide Letter No.1216/UDVI(2)/2019-1 dated 23.09.2020 against the consequential order of rejection by the 1st respondent rejecting the petitioner's appeal by way of Special Revision Petition under Section 80(A) of the above said Act vide Letter No.9416/UD-VI(2)/2016-3 dated 16.11.2016 relating to the

decision to lock & seal and demolition of the building at New Door No.18, Old Door No.54, Chinnathambi Chetty Street, Kothavalchavadi Sowcarpet, Chennai - 01 and quash the same and forbearing the 3rd respondent from in anyway interfering with the building particularly by way of locking & sealing and demolition of the same.

For Petitioner .. Mr.D.S.Rajsekaran

For Respondents.. Mr.R.Vijayakumar,
Addl.Govt.Pleader for R1
Mr.Karthik Rajan for R2
Mr.K.Raja Srinivas for R3

ORDER

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

Though the petitioner has come forward to file this writ petition challenging the order passed under Section 81 of the Tami Nadu Town and Country Planning Act,1971 as well as the Special Revision under Section 80A, the learned counsel appearing for the petitioner submitted that the petitioner is desirous of removing the unauthorized construction so as to bring the building in conformity with the approved plan and for the aforesaid exercise, necessary time may be granted.

2.Heard the learned counsel appearing for the parties.

3.Learned counsel appearing for the third respondent/Corporation submitted that there is no question of seeking any revised plan since the additional construction put up is admittedly unauthorized. Therefore, the only option open to the petitioner is either to demolish the entire building seeking a new plan or demolish the unauthorized construction and bring the building within the approved plan.

4. Considering the above, we are inclined to grant a further period of four months from the date of receipt of a copy of this order so as to facilitate the petitioner to remove the unauthorized construction. After undertaking the said exercise, the petitioner will have to inform the third respondent/Corporation within a period of two weeks thereafter. It is for the third respondent/Corporation to satisfy the compliance as per the original approved plan. If no compliance is either reported or if the compliance reported is not in tune with the approved plan, the third respondent/Corporation shall proceed further including locking and sealing.

5. The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai - 09.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 08.
- 3.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai - 03.

+1cc to Mr.Karthik Rajan, Advocate, sr no.32593
+1cc to Mr.K.Raja Srinivas, Advocate, sr no.32530
+1cc to Mr.D.S.Rajasekaran, Advocate, sr no.32297

SR(CO)
RMP(15/10/2020)

सत्यमेव जयते

W.P.No. 14031 of 2020

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