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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.15803 of 2021

S.Selvajothi

...Petitioner

Vs

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600008.
- 3.The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore,
Chennai - 600008.
- 4.The Executive Engineer,
Zone VI, Corporation of Chennai,
No.5, Anderson Street,
Ayanavaram,
Chennai - 600 023.
- 5.The Assistant Engineer,
Corporation of Chennai,
Ward No.70,
No.13/33, Bharathi Main Road,
Perambur,
Chennai - 600 011.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Mandamus, directing the Respondents 2, 4 and 5 to remove the lock and seal put up in the Second Floor of the property bearing Door No.52/3, Madhavaram High Road, Perambur, Chennai-600011 on 28.09.2020, so as to enable the petitioner to carry out repairs and rectification in conformity with the present Development Rules



2019 and permit the petitioner to keep the said portion open, pending consideration of the application for regularisation/revision by the 3rd respondent.

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For Petitioner : Mr.V.G.Suresh Kumar.

For Respondents : Mr.P.Balathandayutham, State Government Counsel for R1.

Mr.Raja Srinivas,
Standing Counsel for R2, R4 and R5.

Mr.P.S.Ganesh,
Standing Counsel for R3.

O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The matter has been heard through "Video Conference".

2.The Petitioner is the owner of the property bearing Door No.52/3 and comprised in R.S.No.402/2, Block No.23 situated at Madhavaram High Road, Perambur, Chennai-600011. The Petitioner contends that impugned notice dated 28.09.2020 has been issued alleging that deviating the approved plan, the Petitioner has put up unauthorized construction in the said property.

3.Heard Mr.V.G.Suresh Kumar, Learned Counsel for the Petitioner, Mr.P.Balathandayutham, Learned State Government Counsel appearing for the First Respondent, Mr.K.Raja Srinivas, Learned Standing Counsel for the Respondents 2, 4 and 5 and Mr.P.S.Ganesh, Learned Standing Counsel for the Third Respondent.

4.The Learned Counsel for the Petitioner seeks permission of this Court to reopen the building so as to enable him to carry out modifications in the building to bring it in conformity with the approved plan and he also intends to file an Application for revised plan under Tamil Nadu Combined Development and Building Rules, 2019.

5.Further, it is stated that Revision has been filed against the impugned notice along with the Petition to condone the delay and the same is pending before the First Respondent and the Petitioner also intends to modify the building in conformity to the approved plan already obtained. Therefore, an opportunity has to be given to the Petitioner to carry out the same.

6.Hence, the Respondents are directed to desal the said premises and the Petitioner is permitted to carry out the



modifications on or before 31.10.2021. The Petitioner is permitted to file an Application for revised plan with in a period of two weeks from the date of receipt of a copy of this order and the Fourth Respondent is directed to dispose of the same within a period of four weeks there of. On 01.11.2021, the Fourth Respondent is directed to make an inspection and find out as to whether the Petitioner has brought the building in conformity with the approved plan or in conformity with the intended revised plan if he is able to obtain. In case, the building has not been brought in conformity with the approved plan or the revised plan, the Fourth Respondent is permitted to reseal the premises.

7.Since it is stated that the revision filed against the impugned notice is pending before the First Respondent, the First Respondent is directed to dispose of the Revision filed by the Petitioner, if any, within a period of six months from the date of receipt of a copy of this Order, after condoning the delay if any, since the Petitioner may not be knowing the niceties of law in filing the Petition in time.

8.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

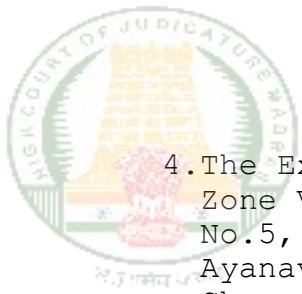
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Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai - 600 008.
- 3.The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore,
Chennai - 600008.



4.The Executive Engineer,
Zone VI,Corporation of Chennai,
No.5, Anderson Street,
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Chennai - 600 023.

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5.The Assistant Engineer,
Corporation of Chennai,
Ward No.70, No.13/33, Bharathi Main Road,
Perambur, Chennai - 600 011.

+1cc to Mr.K.Rajasrinivas, Advocate, S.R.No.38912
+1cc to Mr.V.G.Sureshkumar, Advocate, S.R.No.38354
+1cc to the Government Pleader, S.R.No.38799

W.P.No.15803 of 2021

SS (CO)
RGA (26/08/2021)