



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P. No. 14257 of 2021

Bachukotilingam

...Petitioner

Vs.

1.The Commissioner
Greater Chennai Corporation
Ripon Buildings
Chennai - 600 003.

2.The Executive Engineer
Zone-V, Greater Chennai Corporation
No.61, Basin Bridge Road
Chennai - 600 021.

...Respondents

PRAYER : Petition filed under Section Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the Respondents to (de-seal) remove the lock and seal put up by the Respondents with regards to the Petitioner's premises bearing Old No. 133, New No.18, Varadamuthiappan Street, George Town Chennai - 600 001 forthwith to enable the Petitioner to rectify the deviations and to restore the building in accordance with the permissible planning rules and regulations in the said premises within 6 months on the basis of the Petitioner's representation dated 25.06.2021.

For Petitioner : Mr. B.Vijay
For Mr. S.Santhosh

For Respondents : Mr. K.Raja Srinivas

ORDER

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

The matter was heard through ''Video Conference''.

2. The Petitioner has filed this Writ Petition for a direction directing the Respondents to de-seal the lock and seal



put up by the Respondents with regards to the Petitioner's premises bearing Old No. 133, New No.18, Varadamuthiappan Street, George Town Chennai - 600 001 forthwith to enable the Petitioner to rectify the deviations and to restore the building in accordance with the permissible planning rules and regulations.

3. The Petitioner claims that the Petitioner, who is one of the joint owners of the subject property, has put up construction in the subject property, after obtaining planning permission in PPA No. 03880/2016 from Corporation on 09.08.2016 and building approval in B.A. No.03477/2016 in respect of the subject property.

4. However, a stop-work notice dated 18.09.2017 has been issued by the Respondents / Corporation to the Petitioner. Thereafter, a lock and seal and demolition notice dated 13.06.2019 has been issued by the Respondents / Corporation. Further, a de-occupation notice dated 15.09.2020 has been issued by the Respondents / Corporation to the Petitioner and in consequent thereof, the subject property has been sealed on 29.12.2020 by the Respondents /Corporation. Under these circumstances, the Petitioner made a representation dated 25.06.2021 to the Respondents, which has not been considered.

5. Heard Mr. B.Vijay, Learned Counsel appearing for the Petitioner and Mr. K.Raja Srinivas, Learned Counsel, who takes notice on behalf of the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

6. The undisputed fact is that the subject property is under lock and seal, as on date. The only grievance is to allow the Petitioner to remove the lock and seal so as to enable him to rectify the deviations and restore the subject property in consonance with the approved planning permission. Further, it is represented that the Petitioner has to file a Revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

7. Considering the facts that the Petitioner intends to rectify the deviations and restore the building in consonance with the approved planning permission, for which he requires lock and seal of the subject property to be removed, the Second Respondent is directed to remove the lock and seal of the subject property on or before 20.07.2021 so as to enable him to carry out necessary rectification works to bring the subject property in consonance with the approved planning permission on or before 31.12.2021.



8. It is made clear that time is granted to the Petitioner so as to enable him to carry out the rectification works and bring the subject property as per the approved plan. Once the repair works are completed by the Petitioner within the time specified, the Respondent shall inspect the subject property on or 31.12.2021 and find out as to whether the subject property is in consonance with the approved planning permission or not. If the subject property is in accordance with the approved planning permission, the proceedings of lock and seal shall be dropped, otherwise it is open to the Respondents to proceed in accordance with law, by locking and sealing the subject property by 01.01.2022.

9. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Maya

To

1.The Commissioner
Greater Chennai Corporation
Ripon Buildings
Chennai - 600 003.

2.The Executive Engineer
Zone-V, Greater Chennai Corporation
No.61, Basin Bridge Road
Chennai - 600 021.

+2cc to Mr.B.Vijay, Advocate. SR.No.33363

+1cc to Mr.K.Rajasrinivas, Advocate. SR.No.33199

W.P.No.14257 of 2021

JPL(CO)
RVM(10/08/2021)