



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM :

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

W.P.NO.17325 OF 2021

Mr.E.Abdul Rahim Papa

... Petitioner

Vs

1. The Zonal Officer, Zone-V,
Greater Chennai Corporation,
No.61,Basin Bridge Road,
Chennai-600087.
2. The Executive Engineer, Zone-V,
Greater Chennai Corporation
No.61, Basin Bridge Road,
Chennai-600087.
3. The Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai.

(R3, suo motu, impleaded vide order dated
17.08.2021 in W.P.No.17325 of 2021)

... Respondents

PRAYER :

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Mandamus, directing the respondents to forthwith remove the Lock and Seal Affixed on 02.12.2020 in the petitioner's property situated at Old Door No. 6, New Door No.11, Hussain Malik Road, Royapettah, Chennai- 600 014, so as to enable the petitioner to rectify and restore the said premises in conformity with the sanctioned plan and in consonance with the present Development Rules 2019 on the basis of the petitioners representation dated 06/08/2021.



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For Petitioner : Mr.V.Vasanthakumar

For Respondents : Mr.K.Raja Shrinivas,
Standing Counsel for R1 & R2.

Mrs.R. Anitha, Government
Advocate 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 Old Door No.6, New Door No.11, Hussai Malik Road, Royapettah, Chennai - 600 014. The Petitioner demolished the old building and put up new construction after getting planning permission on 04.09.2018 and he is in possession of the property. However, alleging that the Petitioner made construction deviating the approved plan, Lock and Seal and Demolition notice was issued on 06.08.2020 and subsequently, the building was also locked on 02.12.2020. Aggrieved over the same, the Petitioner filed revision under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971 before the Secretary to Government, Housing and Urban Development Department, Chennai and the same is pending. During the pendency of the Appeal, the Petitioner gave representation on 06.08.2021 seeking permission to reopen the building for the purpose of rectifying the building in consonance with the approved plan. Since the same has not been considered, the Petitioner has come before this Court.

3.Heard Mr.V.Vasantha Kumar, Learned Counsel for the Petitioner and Mr.K.Raja Shrinivas, Learned Standing Counsel for the Respondents 1 and 2.

4.Since it is submitted by the Petitioner that a revision has been filed before the Secretary to Government, Housing and Urban Development Department, Chennai, this Court, suo motu, impleads, "The Secretary to Government, Housing and Urban Development Department, Fort St.George, Chennai"as Third Respondent to the proceedings and Mrs.R.Anitha, Learned Government Advocate takes notice on behalf of the newly impleaded Respondent.

5.It is seen from the records that the Petitioner has already filed a revision against the lock and seal and demolition notice and the same is pending before the Third Respondent. However, the Petitioner submits that he wants to rectify the building as per the approved plan. When this is the



position, the Second Respondent is directed to de-seal the said premises and put the Petitioner in possession on 23.08.2021 for the purpose of rectification of the building by the Petitioner. The Petitioner is permitted to make rectification on or before 31.01.2022. In case, if the Petitioner has not carried out rectification within the said period, the Respondents shall re-seal the premises on 01.02.2022.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Zonal Officer, Zone-V,
Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai-600087.
2. The Executive Engineer, Zone-V,
Greater Chennai Corporation
No.61, Basin Bridge Road,
Chennai-600087.
3. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai.

+1cc to the Government Pleader, S.R.No.41354

+1cc to Mr.K.Raja Shrinivas, Advocate, S.R.No.41139

W.P.No.17325 of 2021

RLD(CO)
PM/11/10/2021
PM/20/10/2021