



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P. No.19209 of 2021

H.N.Harihara Sudhan

..Petitioner

Versus

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai 600 003.
2. The Executive Engineer,
Greater Chennai Corporation,
Zone-V, No.61, Basin Bridge Road,
Chennai 600 021.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to forthwith remove the lock and seal affixed on 17.08.2021 in 2 shops in the ground floor of the petitioner's property situated at Old No.50, New No.109, Amman Koil Street, Kondithope, Chennai 600 001, 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 Regulations Rules and on the basis of the petitioner representation dated 20.08.2021.

For petitioner : Mr.L.Chandrakumar

For respondents : Mr.K.Raja Srinivas,
Senior Counsel

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

The Writ Petition is heard through video conferencing.

2. The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus, directing the respondents to forthwith remove the lock and seal affixed on 17.08.2021 in the



petitioner's property, so as to enable him to rectify and restore the said premises in conformity with the sanctioned plan, on the basis of the his representation dated 20.08.2021.

3. The petitioner would claim that he become the absolute owner of the subject property, by virtue of the settlement deed, dated 25.04.2014 and released deed, dated 20.11.2014. Subsequently, the petitioner demolished the old building and got approval for constructing stilt + 2 floors residential building. During the course of construction, due to certain minor deviations, the second respondent issued show cause notice. Though sufficient reply was given, the second respondent issued lock and seal notice and thereafter, issued de-occupation notice.

4. Mr.Raja Srinivas, learned Senior Standing Counsel appearing for the respondents submitted that if the petitioner brings the deviation within the plan approved, then this Court may consider granting sufficient time.

5. Mr.L.Chandrakumar, learned Counsel appearing for the petitioner seeks two months time for doing so.

6. Considering the above, the respondents are directed to remove the lock and seal affixed on 17.08.2021, within a period of two weeks from the date of receipt of a copy of this order, so as to enable the petitioner to remove that part of the construction, which is not in conformity with the approved plan. Thereafter, the petitioner would be given a period of eight weeks from the date of de-sealing to undertake the said exercise. Needles to state that if the petitioner does not carry out the directions as stated above, the respondents shall seal the premises in question once again.

7. With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai 600 003.



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

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+1cc to Mr.Chandrakumaran, Advocate, S.R.No.46097

+1cc to Mr.Rajasrinivasan, Advocate, S.R.No.46982

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MG (CO)
RGA (16/09/2021)