



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2021

CORAM:

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

W.P.No.20879 of 2021

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...Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Housing & Urban Development Department,
Secretariat,
Chennai - 600 021.

2.Greater Chennai Corporation,
rep. by its Commissioner,
Ripon Building,
Chennai - 600 003.

3.The Executive Engineer,
Corporation of Chennai.
Zone-04, Division 41,
Old No.266, New No.821,
T.H. Road, Chennai - 600 021.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 2 and 3 herein to de-seal the petitioner's premises at No.122, Amman Koil Street, Aziz Nagar, Korukkupet, Chennai - 600 021, which was locked and sealed on 28.06.2021 so as to enable the petitioner to carry out rectification of the building and also submit a fresh revised plan as applicable under the development regulations within a reasonable time as per Tamil Nadu Combined Development and Building Rules 2019.

For petitioner : Mr.D.S.Rajasekaran

For respondents : Mr.TNC.Kaushik
Govt. Counsel (for R1)

Mr.K.Raja Shrinivas
Standing Counsel (for R2 and R3)



ORDER

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

The petitioner has come before this Court seeking a direction to the 2nd and 3rd respondents to de-seal his premises at No.122, Amman Koil Street, Aziz Nagar, Korukkupet, Chennai - 600 021, which was locked and sealed on 28.06.2021 so as to enable him to carry out rectification of the building and also submit a fresh revised plan as applicable under the development regulations within a reasonable time as per Tamil Nadu Combined Development and Building Rules 2019.

2.The petitioner is the owner of the property bearing No.122, Amman Koil Street, Aziz Nagar, Korukkupet, Chennai - 600 021. The said land is of 771 sq.ft., with old building. He had approached the third respondent to apply for demolition and reconstruction in the said land, but the 2nd respondent had refused to receive the same for non-availability of minimum extent of land (i.e.) 80 sq.mts, of land in non-continuous building zone. Hence, the petitioner proceeded to construct in accordance with the proposed plan and the same was completed and assessed by the third respondent herein for the property tax from the year 2016 itself. All of a sudden, the third respondent had issued lock and seal notice under Section 57 of the Tamil Nadu Town and Country Planning Act, 1971 alleging that there was an ongoing construction in deviation to approved plan. Further, the third respondent hurriedly issued de-occupation notice on 23.03.2021 and locked and sealed the premises on 28.06.2021.

3.Though the petitioner had already filed an appeal under Section 80(A) of the said Act and that the same would be withdrawn by the petitioner soon, the learned counsel for the petitioner requested that the respondents may de-seal the premises so that rectification could be done to bring the superstructure in conformity with the Rules and Regulations. In this regard, the petitioner has given a representation on 31.08.2021. Since the same has not been considered, the present writ petition has been filed.

4.Heard Mr.S.Rajasekaran, learned counsel for the petitioner and Mr.TNC.Kaushik, learned Government Counsel appearing for the first respondent and Mr.K.Raja Shirivas, learned Standing Counsel appearing for the respondents 2 and 3, who would submit that there is no question of any rectification being done in the building and it would be applicable only in case there is an approved plan. But, no such approved plan has been obtained by the petitioner before construction the building.



5. Taking into consideration the fact that the petitioner's building has been sealed on 28.06.2021, this Court directs the third respondent to de-seal the premises within a week so as to enable the petitioner to apply for planning permission and thereafter, carry out rectification work on or before 31.12.2021, failing which, the respondent Corporation is at liberty to seal the premises.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

Skn

To

1. The Secretary,
Government of Tamil Nadu,
Housing & Urban Development Department,
Secretariat,
Chennai - 600 021.

2. Greater Chennai Corporation,
rep. by its Commissioner,
Ripon Building,
Chennai - 600 003.

3. The Executive Engineer,
Corporation of Chennai.
Zone-04, Division 41,
Old No.266, New No.821,
T.H. Road, Chennai - 600 021.

+1cc to Mr.D.S.Rajasekaran, Advocate, S.R.No.50300

+1cc to the Government Pleader, S.R.No. 50860

W.P.No.20879 of 2021

BS(CO)
GN(20/10/2021)