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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 30.09.2021

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

W.P.No.20886 of 2021

1.C.Sesharam
2.C.Sohanlal

...Petitioners

-vs-

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

2.The Executive Engineer,
Zone XV, Greater Chennai Corporation,
No.120, Rajiv Gandhi Salai,
Old Mahabalipuram Road,
Sholinganalur, Chennai - 600 119.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to forthwith remove the lock and seal in respect of the premises at No.811, Ganapathi Syndicate Colony, Semmencherry, Chennai - 600 119, so as to enable the petitioners to rectify and restore the said premises in conformity with the Rules and Regulations on the basis of the representation dated 15.09.2021.

For petitioners : Mr.L.Chandrakumar

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



ORDER

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

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The petitioners are before this Court with a prayer to direct the respondents to forthwith remove the lock and seal in respect of the premises at No.811, Ganapathi Syndicate Colony, Semmencherry, Chennai - 600 119, so as to enable the petitioners to rectify and restore the said premises in conformity with the Rules and Regulations on the basis of the representation dated 15.09.2021.

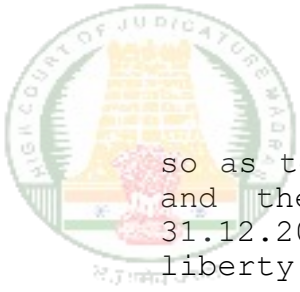
2.The petitioners claim that they are the absolute owners of the property situated at No.811, Ganapathi Syndicate Colony, Semmencherry, Chennai - 600 119, measuring to an extent of 1890 sq.ft., and they have constructed a commercial building in the said property during the year 2007. After merging the Semmencherry Village Panchayat with Chennai Corporation, the petitioners are regularly paying the property tax and all other legal dues without default. All of a sudden, the 2nd respondent had issued stop work notice under Section 56 of the Tamil Nadu Town and Country Planning Act, 1971 alleging that there was an ongoing construction without having valid planning permission. Further, the 2nd respondent hurriedly issued lock and seal notice on 24.12.2020 and thereafter, De-occupation notice was issued on 29.01.2021. Consequently, the premises were locked and sealed on 09.08.2021.

3.Heard Mr.L.Chandrakumar, learned counsel for the petitioners and Mr.K.Raja Srinivas, learned Senior Standing Counsel appearing for the respondents.

4.The learned counsel for the petitioners 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 petitioners sent their representation on 15.09.021. Since the same has not been considered, the present writ petition has been filed.

5.Mr.K.Raja Srinivas, learned Senior Standing Counsel appearing for the respondents 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 petitioners before commencement of construction in the aforesaid address.

6.Taking into consideration of the fact that the petitioners building has been sealed on 09.08.2021, this Court directs the 2nd respondent to de-seal the premises at No.811, Ganapathi Syndicate Colony, Semmencherry, Chennai - 600 119 within a week,



so as to enable the petitioners 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.

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

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

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To

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

2. The Executive Engineer,
Zone XV, Greater Chennai Corporation,
No.120, Rajiv Gandhi Salai,
Old Mahabalipuram Road,
Sholinganalur, Chennai - 600 119.

+2ccs to Mr.L.Chandrakumar, Advocate Sr No.50621
+1cc to Mr.Raja Srinivasan, Advocate Sr No.51728

W.P.No.20886 of 2021

MG (CO)
PR (10/11/2021)