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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 09.11.2021

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

W.P.No.23960 of 2021

C.H.Maruthikumari

... Petitioner

-vs-

1.The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai - 600 079.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to (de seal) remove the lock and seal put up by the respondent with regards to the petitioner's premises bearing No.22/11, Acharappan 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 representation dated 25.10.2021.

For petitioner : Mr.B.Vijay

For respondents : Mr.K.Raja Srinivas

Senior Standing Counsel

ORDER

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

Heard Mr.B.Vijay, learned counsel for the petitioner and Mr.K.Raja Srinivas, learned Senior Standing Counsel appearing for the respondents.



2.This writ petition has been filed for issuance of writ of mandamus, directing the respondents to De-seal the lock and seal put up at the premises bearing Door No.22/11, Acharappan Street, George Town, Chennai.

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3.The petitioner would state that she is the joint owner and she is in possession and enjoyment of the subject property. It is her further case that after obtaining planning permission and building approval from the concerned authorities, completed construction. However, the respondents on 05.11.2019 issued lock & seal and demolition notice and thereafter on 11.12.2020 issued De-occupation notice. Challenging the same, she has preferred an appeal/special revision before the Government under Section 80 (A) of the Tamil Nadu Town and Country Planning Act.

4.The learned counsel for the petitioner would state that the petitioner is ready to rectify the trivial deviations in consonance with the planning permission. It is also stated by the learned counsel that in similar facts, this Court has issued direction to De-seal the premises in W.P.No.21364 of 2021 vide order dated 05.10.2021

5.Mr.K.Raja Srinivas, learned Senior Standing Counsel, appearing for the respondents submitted that the authorities have found that the petitioner has violated the approved plan, hence, the respondents initiated action and there is no illegality.

6.However, in the light of the facts and circumstances of the case, this Court is of the view that the petitioner shall withdraw the appeal within a period of two weeks from the date of receipt of a copy of this order and thereafter, the respondents are directed to remove the lock and seal affixed on 05.11.2019, within a period of two weeks, 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. Needless 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, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar



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To

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RGN(CO)
CB(02/12/2021)