



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM:

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

W.P. NO.25602 OF 2021

1. N.Rajasekaran
2. J.Ramani Jayachander
3. Conrad Dominic Miranda

.. Petitioners

Versus

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai 600 001.
2. The Executive Engineer,
Zone-6,
The Greater Chennai Corporation,
Otteri, Chennai 600 012.
3. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai.

.. Respondents

(R3, suo motu, impleaded vide order of this Court
dated 17.12.2021 in WP.No.25602 of 2021)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the second respondent to de-seal the lock and seal affixed on 06.11.2020 at the petitioner's property situated at Old No.41, New No.93, Chellapa Street, Kosapet, Chennai 600 012, so as to enable the petitioner's to rectify and restore the subject property in consonance with the planning permission as per the development regulations and to submit a revised plan on the basis of the petitioner's representation dated 19.10.2021.



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For petitioners : M/s.V.Jai Bharath

For respondents : Mr.K.Raja Shrinivas

ORDER

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

The Writ Petition is heard through video conferencing.

2. The petitioners have come up with this petition for issuance of a Writ of Mandamus, directing the second respondent to de-seal the lock and seal affixed on 06.11.2020 at the petitioner's premises, so as to enable them to rectify and restore the subject property in consonance with the planning permission and to submit a revised plan on the basis of the their representation dated 19.10.2021.

3. The petitioners are the owner of the property at Old No.41, New No.93, Chellapa Street, Kosapet, Chennai. Pursuant to the planning permission, a flat was constructed and 25 family members are residing in the property. However, alleging that the petitioners made construction deviating the approved plan, Lock and Seal notice was issued on 25.10.2017. Aggrieved over the same, the petitioners filed a special revision under Section 80A of the Town and Country Planning Act along with stay petition before the Government on 06.12.2017. The Government by the order dated 18.07.2019, gave 3 months time to restore the building in consonance with the planning permission and to submit a revised plan. While they were taking steps, the building was locked and sealed on 06.11.2020. Hence, they gave a representation on 19.10.2021 seeking permission to de-seal the premises 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.

4. The learned Senior Standing Counsel appearing for the respondents Mr.K.Raja Shrinivas would state that the second respondent is ready to pass orders on the representation of the petitioner in accordance with law.

5. Heard Mr.V.Jai Bharath, learned counsel for the petitioner, and Mr.K.Raja Shrinivas, learned Senior Standing Counsel for the respondents and perused the materials available on record.



6. It is seen from the records that the petitioner has already filed a special revision against the lock and seal and demolition notice and the same is pending before the third respondent. However, the petitioners submitted that they want to rectify the building as per the approved plan.

7. In view of the above, this Court directs the second respondent to de-seal the premises on 27.12.2021 and put the petitioners in possession for the purpose of rectification of the building. The petitioners are permitted to make rectification on or before 31.05.2022. In case, the petitioners have not carried out the rectification within the said period, the respondents shall re-seal the premises on 01.06.2022.

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

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Commissioner,
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Ripon Building,
Chennai 600 001.
2. The Executive Engineer,
Zone-6,
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Otteri, Chennai 600 012.
3. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai.

+3ccs to Mr.G.Rajesh, Advocate, S.R.Nos.68362, 67747

W.P. No.25602 of 2021

AD(CO)
RLP(21/12/2021)