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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.4017 of 2022 and W.M.P. No.4160 of 2022

- 1.Ambalal C Jain
- 2.Vikram Purohit
- 3.Anju Purohit
- 4.Bansidhar Khadri
- 5.Pushpadevi Khadri
- 6.Mukesh Kumar Ranka

... Petitioners

vs

- 1.The Secretary to the Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.
- 2.The Member Secretarty,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 3.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 001.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the second respondent to de-seal the petitioners' property situated at No.199, Mint Street, VOC Nagar, Chennai - 600 001, which was re-sealed on 23.11.2021 so as to enable the petitioners to rectify the deviations and restore the subject property in consonance with the sanctioned planning permission and in par with the present the Tamil Nadu Combined Development and Building Rules 2019.



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For Petitioners : Mr.D.Rajasekaran
For Respondents : Mrs.V.Yamuna Devi,
Special Government Pleader for R1

Mrs.C.Sumathi,
CMDA for R2

Mr.K.Raja Shrinivas,
Corporation for R3

ORDER

[Order of this Court was delivered by T.RAJA, J.]

The petitioners have come to this Court for issuance of writ of Mandamus directing the second respondent to de-seal their property, situated at No.199, Mint Street, VOC Nagar, Chennai - 600 001, which was re-sealed on 23.11.2021, so as to enable them to rectify the deviations and restore the subject property in consonance with the sanctioned planning permission and in par with the Tamil Nadu Combined Development and Building Rules 2019.

2.Learned counsel appearing for the petitioners submitted that the petitioners are the joint owners of the subject property vide registered sale deed dated 04.08.2014. After obtaining planning permission from the third respondent in the year 2015, the petitioners have been using the same for commercial purposes. In the earlier occasion, the petitioners have come to this Court with W.P. No.13319 of 2020 to remove the lock and seal affixed on 09.08.2019 by the second respondent so as to enable the petitioners to rectify and restore the subject property on the basis of their representation dated 19.08.2020. This Court, by order dated 22.09.2020, has directed the respondents to de-seal the subject property so as to rectify the deviated portions within a period of eight weeks from the date of de-sealing. Thereafter, due to the Covid-19 pandemic situation and followed by the lock down, the petitioners were not able to mobilise the funds to carry out the rectification activities of the subject property within the time frame. In this regard, the petitioners have also filed an Appeal under Section 80-A(3) of the Tamil Nadu Town and Country Planning Act, 1971 for regularisation and they are also going to withdraw the same. Learned counsel for the petitioners further submitted that now the petitioners would be able to rectify the defects, if some more time is granted to them.



*3.In view of the reasons stated by the petitioners to the effect that they were not able to rectify the defects pointed out by the respondent concerned, due to Covid-19 pandemic situation and followed by the lock down, which was imposed by both the Central Government and the State Government and they are going to withdraw the appeal filed by them, we grant a weeks' time to the second respondent to de-seal the property, facilitating the petitioners to carry out the rectification work and other defects pointed out by the respondent concerned. The petitioners are directed to submit the revised plan within a period of twelve weeks thereafter.'

4.With the above direction and the observation, the writ petition stands disposed of. Consequently, W.M.P. No.4160 of 2022 stands closed. No costs.

Sd/-

Assistant Registrar(CS-III)
dated : 08.03.2022

**Corrected order as per the
order of this Court dated 09.03.2022**

Sd/-

Assistant Registrar(CS-III)
dated : 17.03.2022

//True Copy//

Sub Assistant Registrar

vga

To

- 1.The Secretary to the Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.
- 2.The Member Secretarty,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

*** To be substituted
the order already
despatched on
08.03.2022**



3.The Commissioner,
Greater Chennai Corporation,
Ripon Building,

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+1cc to Mr.D.S.Rajasekaran, Advocate, S.R.No. ***15691**

+1cc to Mr.K.Rajashrinivas, Advocate, S.R.No.13910

+1cc to the Government Pleader, S.R.No.13744

W.P.No.4017 of 2022 and
W.M.P.No.4160 of 2022

RSI (CO)
SB(08/03/2022)
PA (CO)
PR(18/03/2022)