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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.NO.3703 OF 2022 AND W.M.P. NO.3857 OF 2022

1.Dinesh Kumar

2.Chandrika

... Petitioners

vs

1. The Secretary,
Housing and Urban Development Department,
5th Floor, CMDA Tower 1,
Gandhi Irwin Rd.,
Egmore, Chennai - 600 008.

2. The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
No.1, Gandhi Irwin Rd.,
Egmore, Chennai,
Tamil Nadu 600 008.

3. The Commissioner,
Greater Chennai Corporation,
Chennai - 600 003.

4. The Executive Engineer,
Zone-3, Greater Chennai Corporation,
Madhavaram,
Chennai - 600 060.

5. The Assistant Executive Engineer,
Unit-6, Zone-3,
Greater Chennai Corporation,
Madhavaram,
Chennai - 600 060.

6. The Assistant Engineer,
Division 25, Zone-3,
Greater Chennai Corporation,
Madhavaram,
Chennai - 600 060.

... Respondents



Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing respondents 2 and 3 to grant six months time to carry out the rectification work and obtain a revised planning permission after carrying out the rectification in property comprised in S.No.2/1A1 and 3/3A3 of Kathirvedu Village, Dr.Ambedkar Street, Kathirvedu, Chennai-600 066.

For Petitioners : Mr.M.Ramalingam

For Respondents : Mr.K.V.Sajeev Kumar,
Special Government Pleader
for R1

Mr.K.Raja Shrinivas,
Standing Counsel (Corporation)
for R3 to R6

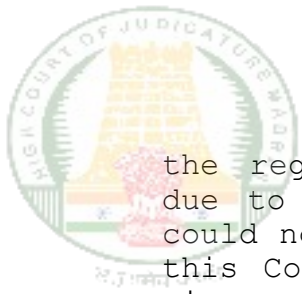
Mrs.C.Sumathi,
Standing Counsel (CMDA)
for R2

ORDER

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

The petitioners have come to this Court for issuance of writ of Mandamus seeking a direction to respondents 2 and 3 to grant six months' time to carry out the rectification work and obtain a revised planning permission after carrying out the rectification in property comprised in S.Nos.2/1A1 and 3/3A3 of Kathirvedu Village, Dr.Ambedkar Street, Kathirvedu, Chennai-600 066.

2.Learned counsel appearing for the petitioners submitted that the subject building was constructed in the year 2020 as per sanction plan dated 05.03.2020 and after construction, the same was let out to a tenant, who is occupying the premises as godown. Learned counsel for the petitioner further submitted that in view of the Covid-19 Pandemic situation, though the petitioners submitted the necessary revised plan to the Corporation of Chennai, the rectification could not be carried out since the authorities could not process their application. In this regard, the petitioners filed an Appeal under Section 80A of the Tamil Nadu Town and Country Planning Act before the first respondent the Secretary, Housing and Urban Development Department to set aside the lock and seal notice issued by the third respondent. Therefore, the first respondent granted three months' time to carry out the rectification work and get necessary orders for revised plan by order dated 01.07.2021. As



the regular government offices were not functioning regularly due to the pandemic situation, the labour and other materials could not be organised and therefore, the petitioners are before this Court seeking a direction to respondents 2 and 3 to grant six months' time to carry out the rectification work and other defects pointed out by the respondent concerned.

3.Learned Special Government Pleader appearing for the first respondent submitted that the petitioners, after filing the Appeal under Section 80A of the Tamil Nadu Town and Country Planning Act before the first respondent seeking planning permission, have withdrawn the same and therefore, they were granted three months time to rectify the defects.

4.Heard both sides.

5.We could see from page No.47 of the typed set of papers filed by the petitioners that after filing the Appeal under Section 80A of the Tamil Nadu Town and Country Planning Act before the first respondent seeking planning permission, the petitioners have withdrawn the same on a wrong advice, however, in view of the reasons stated by the petitioner that she was unable 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, we grant six months' time to the petitioner for carrying out the rectification work and other defects pointed out by the respondent concerned.

6.Needless to mention that if the petitioners fail to comply with the same within the said period, they have to face the legal consequences to be undertaken by the competent authority.

7.With the above direction and the observation, the writ petition stands disposed of. Consequently, W.M.P. No.3857 of 2022 stands closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vga



To

1. The Secretary,
Housing and Urban Development Department,
5th Floor, CMDA Tower 1,
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Egmore, Chennai - 600 008.
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+1cc to Mr.S.Poovendhan, Advocate, S.R.No.12885

W.P.No.3703 of 2022 and W.M.P. No.3857 of 2022

GP(CO)
PM/14/03/2022