



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.9215 of 2022

K.Dhanapal

... Petitioner

-vs-

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai.
2. The Executive Engineer,
Zone-4,
Greater Chennai Corporation,
Ripon Building, Chennai-600 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents to forthwith remove the lock and seal affixed on 26.03.2022 in the petitioner's property situated at Door No.203/2, Karunanidhi Nagar 2nd Street, Karunanidhi Nagar, Tondiarpet, Chennai-600 081 so as to enable the petitioner to carry out the rectification of the building and getting approval from the respondents in consonance with the present Tamil Nadu Combined Development and Building Rules, 2019, on the basis of the petitioner's representation dated 04.04.2022.

For Petitioner : Mr.K.Rajendran

For Respondents : Mr.K.Raja Shrinivas

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to forthwith remove the lock and seal affixed on 26.03.2022 in the petitioner's property situated at Door No.203/2, Karunanidhi Nagar 2nd Street, Karunanidhi Nagar, Tondiarpet, Chennai-600 081 so as to enable the petitioner to carry out the rectification of the building and getting approval from the respondents in consonance with the



३.१. प्रयोग ५२८

4. Mr.K.Raja Shrinivas, learned Standing Counsel for the respondents also admitting the fact that the petitioner is running a tailoring shop in a small portion of the building-in-question and the petitioner being the owner of the superstructure to the extent of 110 sq.ft, he also should have been issued with a copy of the lock and seal notice which has not been done. However, he attempted to justify the action of the respondents in sealing the property-in-question stating that since a part of the property belongs to the owner, namely, vendors of the petitioner herein, they have been properly served



with a copy of the Lock and Seal Notice.

5. But we are not inclined to agree with the said justification of the learned Counsel for the respondents. Once the learned Standing Counsel for the respondents admits the factum that the petitioner has purchased only the superstructure from the owner, he is entitled to get the Lock and Seal Notice before sealing his portion. As notice has not been given, it goes without saying that he is unaware of the deviations which he would not have been able to rectify. Secondly, without any notice, he is not able to approach any higher authority seeking further remedy.

6. In view of the above, the 2nd respondent is directed to desal the property-in-question forthwith. It is made clear that if for any reason, the respondents come to a conclusion based on the records that the petitioner has put up construction without obtaining planning permission from the authorities concerned, it is open to them to take action in the manner known to law after issuing proper notice and after giving reasonable opportunity.

7. With the above observation and direction, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai.
2. The Executive Engineer,
Zone-4, Greater Chennai Corporation,
Ripon Building, Chennai-600 001.

+1cc to Mr.K.Rajendran, Advocate SR.No.26400

+1cc to Mr.K.Raja Shrinivas, Advocate SR.No.26600

W.P.No.9215 of 2022

SSN(CO)

GMV(29/04/2022)