



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.10504 of 2022 and WMP.Nos.10195 and 10196 of 2022

L.R.Siluvai Jagadeesh

... Petitioner

-vs-

1. Government of Tamil Nadu,
rep. by its Secretary to Government,
Housing and Urban Development Department,
St. George Fort, Secretariat,
Chennai-600 009.
2. The Executive Engineer,
Zone-IV, Greater Chennai Corporation,
No.266, Thiruvottiyur High Road,
Korukkupet, Old Washermanpet,
Chennai-600 021.
3. The Assistant Engineer,
Unit-11, Division-44,
Zone-IV, Greater Chennai Corporation,
No.266, Thiruvottiyur High Road,
Korukkupet, Old Washermanpet,
Chennai-600 021.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned Lock and Seal and Demolition Notice No.04/00091/2021 dated 16.07.2021 issued by the respondents 2 and 3 and to quash the same and for a direction, directing the respondents 2 and 3 to desal the building at Door No.643, Plot No.281, Rani Ammiyar Street, Periyar Nagar, Vyasarpadi, Chennai-600 039.



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For Petitioner : Mr.V.C.Selvasekaran

For Respondents : Mr.K.V.Sajeev Kumar,

Spl.Govt.Pleader for R1

Mr.K.Raja Shrinivas for R2 & 3

ORDER

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

The Writ Petitioner herein was issued with a Lock and Seal and Demolition Notice dated 16.07.2021 by the respondents 2 and 3 informing him that the ongoing construction of his residential building at New No.48, Old No.643, Rani Ammiyar Street, Periyar Nagar, Vyasarpadi, Chennai is in deviation to the approved plan. Therefore, he was called upon to restore the building as per the approved plan within 30 days from the date of receipt of the said impugned notice. Aggrieved by the same, the petitioner has filed a Special Revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, before the 1st respondent herein. In the meanwhile, the petitioner has approached this Court with the present Writ Petition, challenging the said impugned Lock and Seal and Demolition Notice No.04/00091/2021 dated 16.07.2021 issued by the respondents 2 and 3 and for quashing of the same with a consequential direction, directing the respondents 2 and 3 to de-seal the building at Door No.643, Plot No.281, Rani Ammiyar Street, Periyar Nagar, Vyasarpadi, Chennai-600 039 to remove the unauthorized constructions including the tin sheet put up by him.

2. When the matter was called, learned Counsel for the petitioner has given an Undertaking before this Court that the petitioner would not press 80-A Special Revision filed before the Government and secondly, he would remove all the unauthorized constructions made violating the approved planning permission granted to him.

3. Recording the same, the 2nd respondent is directed to de-seal the property-in-question within a period of one week and the petitioner is permitted to rectify the deviations as prayed for, as per the approved plan, within a period of three months



thereafter. However, it is made clear that if the petitioner fails to rectify the deviations as per the approved plan within the time stipulated, the 2nd respondent is at liberty to proceed further in accordance with law for resealing the property.

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4. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1. The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
St. George Fort, Secretariat,
Chennai-600 009.
2. The Executive Engineer,
Zone-IV, Greater Chennai Corporation,
No.266, Thiruvottiyur High Road,
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Unit-11, Division-44,
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Korukkupet, Old Washermanpet,
Chennai-600 021.

+1cc to Mr.V.C.Selvasekaran, Advocate Sr.29451
+1cc to Mr.K.Rajashrinivas, Advocate Sr.29507
+1cc to the Government Pleader Sr.30929

W.P.No.10504 of 2022

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