



WEB COPY

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.11261 OF 2022

1. S.Suresh

2. S.Varalakshmi

... Petitioners

-vs-

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai-600 079.

2. The Executive Engineer,
Zone V, Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai-600 021.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents to (deseal) remove the lock and seal put up by the respondents with regard to the ground floor portion of the petitioners premises bearing Old No.12, New No.25, Subbarayan Street, Vallalar Nagar, Kondithoppu, Chennai-600 079 so as to enable the petitioners to rectify the deviations and to restore the building in accordance with the sanctioned planning permission and in par with the present Tamil Nadu Combined Development and Building Rules, 2019 within 6 months on the basis of the representation dated 11.04.2022.

For Petitioners : Mrs.R.Dhakshayini Reddy
for Mr.A.Maheshnath

For Respondents : Mr.K.Raja Shrinivas



ORDER

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

WEB COPY This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to (deseal) remove the lock and seal put up by the respondents with regard to the ground floor portion of the petitioners premises bearing Old No.12, New No.25, Subbarayan Street, Vallalar Nagar, Kondithoppu, Chennai-600 079 so as to enable the petitioners to rectify the deviations and to restore the building in accordance with the sanctioned planning permission and in par with the present Tamil Nadu Combined Development and Building Rules, 2019 within 6 months on the basis of the representation dated 11.04.2022.

2. Learned Counsel appearing for the petitioners would submit that the petitioners are the joint owners of the property situated at Old No.12, New No.25, Subbarayan Street, Vallalar Nagar, Kondithoppu, Chennai-600 079. As they have purchased the property-in-question in the year 2018, after obtaining the planning permission vide PPA/WDCN05/03538/2019 dated 10.06.2019, they have built the building according to the safety parameters. The learned Counsel would further submit that although the petitioners have constructed the building in consonance with the planning permission, the impugned Lock and Seal Notice was issued on 05.03.2020 followed by the De-occupation Notice dated 16.12.2020 have been issued and subsequently, the ground floor portion of the building has been locked and sealed on 26.03.2022. Therefore, the petitioner has been advised to approach this Court with a limited prayer seeking six months time to rectify the defects.

3. We have also perused the lock and seal notice indicating the deviations made by the petitioners against the planning permission

4. Considering the facts and circumstances of the case, we hereby direct the 2nd respondent herein, namely, The Executive Engineer, Zone V, Greater Chennai Corporation, No.61, Basin Bridge Road, Chennai-21, to de-seal the property-in-question within a period of one week enabling the petitioners to rectify the deviations as per the approved plan within a period of twelve weeks from the date of de-sealing of the building. However, it is made clear that if the petitioners fail to rectify the violations within the stipulated period of 12 weeks, the 2nd respondent shall proceed further in accordance with law for once again re-sealing the building-in-question.



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5. With the above observation and direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 079.
2. The Executive Engineer,
Zone V, Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai-600 021.

+1cc to Mr.A.Maheshnath, Advocate, S.R.No.29491

+1cc to Mr.K.Raja Shrinivas, Advocate, S.R.No.29509

W.P.No.11261 of 2022

SMI (CO)
RLP (20/05/2022)