



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM

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

W.P.No.11299 of 2022

1. K.Sounder

2. S.Bhagyalakshmi

... Petitioners

-vs-

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.

2. The Executive Engineer,
Zone IV, Greater Chennai Corporation,
No.266, T.H.Road, Tondiarpet,
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 (de seal) remove the lock and seal put up by the respondents with regard to the petitioners' premises bearing No.19/43, Muniappan Street, Korukkupet, Old Washermenpet, Chennai-600 021 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, within 6 months on the basis of the representation dated 19.04.2022.

For Petitioners : Mr.S.Balasubramaniam

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 (de seal) remove the lock and seal put up by the respondents with regard to the



petitioners' premises bearing No.19/43, Muniappan Street, Korukkupet, Old Washermenpet, Chennai-600 021 so as to enable them 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, within 6 months on the basis of the representation dated 19.04.2022.

2. Learned Counsel appearing for the petitioners submitted that the petitioners are the joint owners of the property situated at No.19/43, Muniappan Street, Korukkupet, Old Washermenpet, Chennai-600 021. The 1st petitioner is working as an Electrician and the 2nd petitioner is his wife. While so, after obtaining necessary planning permission from the Executive Engineer, Zone-IV, Greater Chennai Corporation vide Planning Permission PPA No.PPA/WDCN04/9010/2013 dated 04.11.2013, they have constructed a building in the premises in consonance with the planning permission, however, there are certain rectifiable deviations. One Mr.Palani has filed a Writ Petition in W.P.No.1809/2018 alleging unauthorized construction, therefore, sought for suitable direction from this Court. Based on the same, a Lock and Seal Notice dated 16.02.2018 followed by De-occupation notice dated 26.02.2019 were issued to them. Aggrieved thereby, the petitioners have filed an Appeal under Section 80-A of the Town and Country Planning Act and the same was dismissed on 15.03.2022. Subsequently, the building-in-question was sealed on 17.04.2021. Thereafter, the petitioners have sent a representation dated 19.04.2022 to the respondents seeking to desal the building-in-question for removing the deviations and restore the building as per the approved plan within six months period. Since there was no response for the same, they have approached this Court seeking sufficient time to remove the deviations.

3. Mr.K.Raja Shrinivas, learned Standing Counsel for the respondents placing on record, an order dated 22.03.2022 passed in Cont.P.No.1052/2020 by the Hon'ble First Bench of this Court stated that the Contempt Petition filed by Mr.E.Palani at whose instance an order has been passed to lock and seal the petitioners' premises-in- question also came to be closed on the premise that the action has been taken. The relevant portion is given here under:

'4. Accordingly, the contempt petition is ordered to be closed with discharge of notice. It goes without saying that in case there is a challenge as to sealing of the building, a reference of the order passed by this Court in the writ petition would be given by the respondents without default.'



4. Considering the fact that there is no challenge made to the locking and sealing of the building-in-question, instead, now the petitioners are seeking only sufficient time to remove the deviated construction for restoring the building-in-question as per the approved plan, we hereby direct the 2nd respondent herein to de-seal the building-in-question within a period of one week and also direct the petitioners to rectify the deviations and restore the building in consonance with the approved plan, within a period of three months thereafter and if the petitioners fail to remove the deviated construction within the stipulated period, it is open to the Greater Chennai Corporation authorities to re-seal the building once again.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.
2. The Executive Engineer,
Zone IV, Greater Chennai Corporation,
No.266, T.H.Road, Tondiarpet,
Chennai-600 021.

+1cc to Mr.S.Balasubramaniam, Advocate, S.R.No.30373
+1cc to Mr.K.Raja Shrinivas, Advocate, S.R.No.30397

W.P.No.11299 of 2022

AK-II(CO)
CT 24/05/2022