



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA
and
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P. No.13839 of 2022

Ramanikal J.Sayani

.. Petitioner

-vs-

1.The Secretary to the Government,
Government of Tamil Nadu
Housing and Urban Development Department,
Fort St.George, Chennai - 600 009.

2.The Principal Secretary / The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 001.

3.The Executive Engineer,
Zone - 5, Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai - 600 001.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus directing respondents 2 and 3 to de-seal the petitioner's property situated at Old No.10, New No.6, Lakshmidoss Street, VOC Nagar, Edapalayam, Chennai - 600 079 so as to enable the petitioner to rectify and restore the subject property in consonance with the sanctioned planning permission in par with the Development Regulations.

For Petitioner : Mr.V.Prabhu

For Respondents: Mr.V.Manoharan,
Additional Government Pleader
for R1
Mr.Manojkumar for R2 and R3

ORDER

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

Seeking a direction to respondents 2 and 3 to de-seal the petitioner's property situated at Old No.10, New No.6,



Lakshmidoss Street, VOC Nagar, Edapalayam, Chennai - 600 079 so as to enable the petitioner to rectify and restore the subject property in consonance with the sanctioned planning permission on par with the Development Regulations, the present writ petition has been filed.

2. The petitioner, who has put up construction after obtaining planning permission and building permission, suffered a lock and seal notice dated 10.04.2017. Subsequently, the said residential premises was sealed on 22.03.2022, against which, he preferred an appeal along with stay petition on 06.05.2022. Pending appeal, the petitioner has filed the present writ petition for the above relief in order to rectify the deviations.

3. Learned counsel appearing for the petitioner submitted that the petitioner intends to rectify the deviations and suitable direction may be issued to de-seal the premises in question.

4. Since the petitioner wants to rectify the deviations, which he is bound to do even as per the lock and seal notice, we are of the view that the petitioner can be granted time to do so. Accordingly, the petitioner is given three months' time from the date of receipt of a copy of this order to rectify the deviations. Till then, status quo as on today is ordered to be maintained. In the event of failure to rectify the deviations, the second respondent shall bring it to the notice of the appellate authority and the appellate authority is directed to proceed further in accordance with law.

5. The second respondent is directed to de-seal the premises in question within a period of one week from today so as to enable the petitioner to rectify the deviations.

6. With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

mmi

To

1. The Secretary to the Government,
Government of Tamil Nadu
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.



2.The Principal Secretary / The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 001.

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3.The Executive Engineer,
Zone - 5, Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai - 600 001.

+1cc to Mr.V.Prabhu, Advocate SR.No.35255

+2ccs to Mr.P.Manojkumar, Advocate SR.No.35395

+1cc to Government Pleader SR.No.36184

W.P.No.13839 of 2022

SKM(CO)
GMY(08/07/2022)