



W.P.No.23550 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.11.2022**

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

Writ Petition No.23550 of 2021
and WMP No.24767 of 2021

V.Natarajan

..Petitioner

Vs.

1. The Commissioner,
Greater Chennai of Corporation,
Rippon Buildings,
Perimet, Chennai 600 003.
2. The Revenue Officer,
Greater Chennai Corporation,
No.1, Lake Area 4th Cross Street,
Zone No.IX. Nungambakkam,
Chennai 600 034.
3. The Exective Engineer,
Zone IX, Greater Chennai Corporation,
No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai 600 034.
4. The Assistant Exective Engineer,
Greater Chennai Corporation,
Division 126, Sringeri Mutt Road,
Mandaveli, Chennai 600 028.



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5. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

.. Respondents

(R5 Impleaded vide order dated 20.01.2022 made in
WMP.26712/2021 in WP No.23550/2021 by MKKSJ, VSGJ)

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd and 4th respondents herein notice bearing No. Zone-IX / DN-126 / TPEN / F / 39 / 2021 dated 6.10.2021 issued under section 56, 57 read with section 85 of the Tamil Nadu Town and Country Planning Act 61 of 2008 dated 6.10.2021 and to quash the same and forbearing the Respondents herein from in any manner seeking to interfere with the peaceful possession and enjoyment of the petitioner in relation to the property bearing D. No. 12/5, 2nd Floor, Trustpakkam South Street, Mandavelli, Chennai – 28.

For Petitioner : Mr.G.R.Lakshmanan

For Respondents : Mr.G.T.Subramaniam, for RR 1 to 4

Mrs.P.Veenasuresh, for R5

ORDER

(Order of the Court was delivered by R.SUBRAMANIAN, J.)

Challenge in the Writ Petition is to the lock and seal notice issued by the Chennai Corporation on 06.10.2021. The said notice shows that the deviation in the ground floor is to an extent of about 32 sq. meters, which is



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also found to be a temporary cantilever Iron sheet projection. The deviation in the second floor is shown to be about 9 sq. meters, which is again made up of a small lumber room with a plastic sheet roof. Technically, of course the construction is in violation of the sanctioned plan, but these deviations being very minor and inconsequential, we do not think we could sustain the lock and seal notice issued by the Chennai Corporation

2. Accordingly, the Writ Petition is **allowed**, the lock and seal notice is set aside. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (K.KUMARESH BABU, J.)
02.11.2022

Index: No
Internet: Yes
Speaking order
jv

To

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