



W.P.No.25891 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **11.11.2022**

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

Writ Petition No.25891 of 2022
and WMP No.24972 of 2022

Mrs.Abdul Azeez Adabia

..Petitioner

Vs.

1. The Commissioner,
Greater Chennai of Corporation,
Rippon Building,
Chennai.

2. The Executive Engineer – IX,
Greater Chennai Corporation, Zone – IX,
No.1, Lake Area, 4th street,
Nungambakkam, Chennai 600 034.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari to call for the records of the second respondent in the proceeding Notice No.AEE/037/2022 dated 26.07.2022 and consequential proceeding in Notice No.Z.IX.TPENF/Dn-113/037/2022 dated 11.08.2022 and further consequential proceeding in Notice No.Zone



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IX.TPENF/DN-113/037/2022 dated 12.09.2022 and to quash the same.

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For Petitioner : Mr.P.Paramasiva Doss

For Respondents : Mr.D.B.R.Prabhu
Standing Counsel

ORDER

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

The grievance of the petitioner is that the Authorities have issued a notice on the ground that the usage of the building has been put to commercial use.

2. Admittedly, the building has been constructed as a residential building and the same was being used as a residential building. Recently the petitioner has opened a Restaurant in a portion of the building. Mr.P.Paramasiva Doss, learned counsel appearing for the petitioner would rely upon the Appendix XVIII to the Tamil Nadu Combined Development and Building Rules, 2019, to contend that a commercial activity, viz, Restaurant occupying a floor area of not exceeding 500 sq. m. is permitted in a residential use zone and therefore, he would be entitled to use a portion of the



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building for commercial purposes.

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3. We are unable to agree. Appendix XVIII which is part of Rule 33 of the Rules deals with Zoning Regulations and it lists out activities that could be permitted in a residential use zone. That will not confer the right on the petitioner to convert a residential building into a non-residential use. If the petitioner wants to do so, the petitioner will have to apply under Sub Rule 8 of Rule 6 of the Tamil Nadu Combined Development and Building Rules, 2019, seeking conversion of the user of the building. It will therefore be open to the petitioner to apply to the Competent Authority under Sub Rule 8 of Rule 6 of the Tamil Nadu Combined Development and Building Rules, 2019, seeking conversion of the building into a Commercial Building. We are sure that the Authorities will consider the application in accordance with law. The petitioner shall file the application within a period of two weeks from today and the Authority will pass orders within a period of 8 weeks there from. Till such time, the user of the petitioner shall not be interfered with.

4. The Writ Petition is disposed of with the above observation.



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There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (K.KUMARESH BABU, J.)
11.11.2022

Index: Yes/No

Internet: Yes/No

Speaking Order/Non Speaking Order

jv

To

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(jv)

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