



W.P.No.27711 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.27711 of 2022
and
W.M.P.No.26983 of 2022

C.Selvi

Vs.

...Petitioner

- 1.The Government of Tamil Nadu,
represented by its Additional Secretary,
(Technical), Housing and Urban Development
Department, Fort St. George, Chennai – 9.
- 2.The Commissioner,
Corporation of Chennai,
Chennai – 600 003.
- 3.The Executive Engineer, Zone -14,
Unit 41, Division – 185,
Corporation of Chennai, (Perunkudi),
No.6/64-Puzhuthiwakkam Main Road,
Chennai – 600 091.
- 4.The Assistant Engineer,
Zone – 14, Ward No.182,
Corporation of Chennai,
Kandanchavadi, Chennai – 96.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the 1st respondent to grant further period of 3 months, to obtain revised planning permission as per Tamil Nadu Combined Development and Building Rules, 2019 as per the order passed in the letter No.24618/UD-VII(2)/2018-2 dated 18.04.2022 by the 1st respondent, based on the representation dated 13.10.2022.

For Petitioner : Mr.K.Raja

For Respondents : Mr.Vadivelu Deenadayalan,
Additional Government Pleader for R1

Mr.D.B.R.Prabhu,
Standing Counsel for R2 to R4

ORDER

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

Considering the scope of the writ petition, this writ petition itself is taken up for disposal at the admission stage.

2. Mr.K.Raja, learned counsel appears for the petitioner.

Mr.Vadivelu Deenadayalan, learned Additional Government Pleader takes



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notice for the 1st respondent and Mr.D.B.R.Prabhu, learned Standing

Counsel takes notice for the respondents 2 to 4.

3. The prayer in the writ petition reads as follows:-

The writ petition is filed seeking issuance of a Writ of Mandamus, directing the 1st respondent to grant further period of 3 months, to obtain revised planning permission as per Tamil Nadu Combined Development and Building Rules, 2019 as per the order passed in the letter No.24618/UD-VII(2)/2018-2 dated 18.04.2022 by the 1st respondent, based on the representation dated 13.10.2022.

4. The petitioner was accused of putting up constructions without obtaining any approval. The lock and seal notice was slapped on the petitioner on 03.09.2018. The petitioner preferred a special revision to the Government under Section 80A of the Tamil Nadu Town and Country Planning Act. The appeal came to be disposed of on 18.04.2022 permitting the petitioner to apply and obtain planning permission under the revised Rules within a period of three months. The petitioner did not seek such



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approval. Claiming that it is due to her ignorance and due to her ill health, the petitioner seeks further time to get the required permission.

5. Sub-Section 3 of Section 56 of the Tamil Nadu Town and Country Planning Act enables a person who is charged of violations to apply for permission under Section 49 for retention of land or any building or works and for continuance of any use of land or building to which the notice is issued. Therefore, *post facto* permission is contemplated under the Act. The only mistake on the part of the petitioner is not having applied in time.

6. Taking note of the averments in the affidavit regarding the educational status and health status of the petitioner, we deem it fit to treat this as a special case and permit the petitioner to apply to the Corporation under sub-Section 3 of Section 56 within 10 days from today. If such application is made, the Corporation shall consider the same and pass appropriate orders within a period of two months there from. Till such time notice will be kept in abeyance. If no application is made within 10 days, the Corporation will be at liberty to proceed with locking and sealing of the



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premises. No costs. Consequently, the connected writ miscellaneous petition is closed.

(R.S.M.,J.) (K.B.,J.)
17.10.2022

dsa

Index :No
Internet :Yes
Speaking order



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To:-

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K.KUMARESH BABU, J.

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