



W.P.No.30133 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2022

CORAM:

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

W.P.No.30133 of 2022
and
W.M.P.No.29569 of 2022

1.B.Harish Kumar

2.B.Sanjay Kumar

3.B.Deepak Kumar

...Petitioners

Vs.

1.The Government of Tamil Nadu,
Rep. By its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai – 600 009.

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

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the 2nd respondent to forthwith remove the lock and seal on 18.08.2021 in the petitioners' property



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at Old No.306, New No.420, Mint Street, Sowcarpet, Chennai – 600 003
comprised in R.S.No.9356, Block No.77 of VOC Nagar Village for a period
of about six months so far as to enable the petitioners to rectify and restore
the said premises in conformity with the sanctioned plan and the present
Tamil Nadu Combined Development Rules, 2019 on the basis of the
petitioners representation dated 14.10.2022 addressed to the respondents.

For Petitioners : Mr.L.Chandrakumar

For Respondents : Mr.Vadivelu Deendayalan

Additional Government Pleader for R1

Mr.C.N.Vinobha

Standing Counsel for R2

ORDER

(Order of the Court was made by K.KUMARESH BABU, J.)

The present Writ Petition has been filed seeking for a mandamus
to remove the lock and seal in respect of the property bearing Old Door
No.306, New No.420, Mint Street, Sowcarpet, Chennai – 600 003
comprised in R.S.No.9356, Block No.77 of VOC Nagar Village for a period
of six months to enable the petitioners to rectify the defects and bring the
premises in conformity with the sanctioned plan.



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2.The case of the petitioner is that pursuant to the planning permission granted by the Chennai Corporation, he had put up a building.

The Chennai Corporation found that there has been some deviation in construction of the building and issued a lock and seal notice dated 18.03.2015 to the petitioners. Being aggrieved against the lock and seal notice, the petitioners preferred a Special Revision under Section 80-A of the Tamil Nadu Town and Country Planning Act before the 1st respondent. Noticing there was no floor violation in the building except for conversion of part of the Stilt Floor for commercial purpose and construction of part of the second floor, which was supposed to be kept as open terrace, the 1st respondent by its order dated 17.03.2017, granted six months time to rectify the defects and directed desealing of the premises.

3.Due to certain personal issues, the petitioner was not able to rectify the defects within the said time and had also been granted two more extensions by the authorities. However, due to intervening Covid pandemic, they were not able to rectify the same and seeks intervention of this Court to grant six months time finally to rectify the defects.



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4.Considering the submissions made, the 2nd respondent is directed to desal the premises within a period of one week from today and the petitioners are directed to bring the building in conformity with the sanctioned plan issued by the Chennai Corporation in planning permit No. PPA/WDCO5/00161/2013 within a period of six months thereafter. It is made clear that no further time will be granted. If the building is not brought within the ambit of the sanctioned plan within the time granted, then it is open to the 2nd respondent to take appropriate enforcement action in conformity with the law.

5.This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M.,J.) (K.B.,J.)
15.11.2022

kkn

Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order



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WEB COPY To:-

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WEB COPY



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KKN

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