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W.P.No.35063 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2022

CORAM

THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE S.SOUNTHAR

Writ Petition No.35063 of 2022

and

W.M.P.No.34502 of 2022

C.Srinivasan

... Petitioner

Versus

- 1.The Secretary to Government,
Housing and Urban Development Department,
St.George Fort, Secretariat, Chennai – 600 009.
- 2.The Commissioner,
Greater Chennai Corporation, Chennai,
Ripon Building, Chennai – 600 003.
- 3.The Executive Engineer,
Zone-VI, Greater Corporation of Chennai,
No.5, Anderson Road, Ayanavaram,
Chennai – 600 023.
- 4.The Assistant Executive Engineer,
Unit-16, Zone-VI, Greater Corporation of Chennai,
No.5, Anderson Road, Ayanavaram,
Chennai – 600 023.



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5.The Assistant Engineer,
Greater Corporation of Chennai,
Division – 68, Unit-16, Zone-VI,
No.5, Anderson Road, Ayanavaram,
Chennai 600 023.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 3 to 5 to forbear them from in any way interfering with the petitioner's building at No.309, Thiruvika Nagar, 18th Street, Sembium, Chennai – 600 011 particularly by way of locking and sealing pending final determination of the Special Revision Petition dated 23.12.2022 under Section 80(A) of the Town and Country Planning Act, 1971 by the 1st respondent.

For Petitioner : Mr.S.Santhan

For R1 : Mrs.V.Yamunadevi,
Special Government Pleader

For R2 to R5 : Mr.D.P.R.Prabhu, Senior Counsel
for Greater Chennai Corporation

ORDER



[Order of the Court was made by C.V.KARTHIKEYAN,J.]

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The Writ Petition has been filed in the nature of Writ of Mandamus, seeking a direction against the respondents 3 – 5 from interfering with the building of the petitioner at No.309, Thiruvika Nagar, 18th Street, Sembium, Chennai – 600 011 particularly, by way of locking and sealing, pending final determination of the Special Revision Petition, dated 23.12.2022 filed under Section 80(A) of the Town and Country Planning Act, 1971, which is now pending before the 1st respondent.

2. The petitioner earlier had an occasion to come before this Court by filing W.P.No. 10385/2022. A Division Bench of this Court, by considering all the submissions and by an order dated 28.04.2022, while recording the joint submissions directed as follows:

“5.Recording the said joint submissions made by the learned Special Government Pleader for the respondents 1 and 2 and the learned Standing Counsel for the respondents 4 to 7, we hereby direct the respondents 4 to 7 to de-seal the building of the petitioner within a period of one week and the petitioner as prayed before us is permitted to rectify the defects as per the approved plan within a



period of four months from the date of de-sealing of the building. It is made clear that if the petitioner fails to rectify the defects as per the approved plan, within a period of 4 months, the respondents 4 to 7 shall proceed further in accordance with law for re-sealing the building-in-question.

6. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.”

3. The petitioner has not rectified the defects as per the approved plan. Not only the four months period given by the Division Bench of this Court has expired, but, an additional period of four months has also expired as on this date.

4. The petitioner, therefore, can only be granted limited relief of rectifying the defects within a period of further two months from today namely on or before 28.02.2023.

5. If the petitioner does not rectify the defects within that specified date, the respondents 4 to 7 can proceed further in accordance with law



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for locking and sealing the building in question.

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6. Recording such direction as above, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition stands closed.

(C.V.K.,J.) (S.S.,J.)
28.12.2022

Index : Yes/No
Internet : Yes/No
ssi/vsn

To:

- 1.The Secretary to Government,
Housing and Urban Development Department,
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- 2.The Commissioner,
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Ripon Building, Chennai – 600 003.
- 3.The Executive Engineer,
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- 4.The Assistant Executive Engineer, Unit-16,
Zone-VI, Greater Corporation of Chennai, No.5,
Anderson Road, Ayanavaram, Chennai – 600 023.
- 5.The Assistant Engineer,
Greater Corporation of Chennai,
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C.V.KARTHIKEYAN, J.
AND
S.SOUNTHAR.J.



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