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W.P.No.7200 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.7200 of 2023

M.Arun Prasad

.. Petitioner

Vs.

1.The Commissioner,
The Greater Chennai Corporation,
Rippon Building,
Greater Chennai Corporation,
Chennai – 600 003.

2.The Chief Engineer (Planning),
Regional Office (Central),
Greater Chennai Corporation,
Rippon Building,
Chennai – 600 003.

3.The Zonal Officer-VII,
The Greater Chennai Corporation,
Zone – VII,
Thiruvallur High Road,
Ambattur, Chennai – 600 053.

4.The Executive Engineer,
The Greater Chennai Corporation,
Zone – VII,
Thiruvallur High Road,
Ambattur, Chennai – 600 053.

.. Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd Respondent to consider the Revised Planning Permission application dated 18.02.2023 bearing No.OBPA/01/01037/2023 on the file of the 2nd Respondent with reference to the Planning permission sanctioned for the Petitioner premises (Block No.22, Plot No.2, Survey No.14, D-10 Road, near Railway Station, Venkatapuram, Ambattur, Chennai – 600 053) vide Building Permit No.BA/WDCN07/00266/2022 dated 11.02.2022 and to grant completion certificate as contemplated under Rule 20(6) of the Tamil Nadu Combined Development and Building Rules, 2019, following the norms prescribed in Annexure XXIII of the Tamil Nadu Combined Development and Building Rules, 2019.

For Petitioner : Mr.P.Willson
Senior Counsel for
Ms.K.Jayasudha

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

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioner has come out with the present Writ Petition for a direction to the 2nd respondent to consider the Revised Planning Permission application dated 18.02.2023 on the file of the 2nd respondent with reference to the Planning permission sanctioned for the Petitioner premises (Block No.22, Plot No.2, Survey No.14, D-10 Road, near



Railway Station, Venkatapuram, Ambattur, Chennai – 600 053) vide Building Permit dated 11.02.2022 and to grant completion certificate as contemplated under Rule 20(6) of the Tamil Nadu Combined Development and Building Rules, 2019, following the norms prescribed in Annexure XXIII of the Tamil Nadu Combined Development and Building Rules, 2019.

2. According to petitioner, he is the owner of the land situated at Block No.22, Plot No.2, Survey No.14, D-10 Road, near Railway Station, Venkatapuram, Ambattur, Chennai – 600 053. He obtained planning permission from the 4th respondent on 11.02.2022 and completed construction in December 2022. Before the petitioner could occupy the premises, the respondents 3 & 4 locked and sealed the premises of the petitioner and affixed notice alleging violation of planning permit. The petitioner filed W.P.No.4649 of 2023, before this Court to quash the lock and seal notice dated 12.01.2023 and de-seal the premises. While W.P.No.4649 of 2023 was pending, the petitioner filed an application dated 18.02.2023 before the 2nd respondent for approval of revised plan and has come out with the present Writ Petition for the relief sought for above.



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3.Mr.D.B.R.Prabhu, learned Standing Counsel appearing for the respondents submitted that property in question is locked and sealed and without inspecting the premises, revised plan cannot be considered and prayed for dismissal of the Writ Petition.

4.Heard the learned counsel appearing for the parties and perused the entire materials on record.

5.From the above materials and submission of the learned Senior Counsel appearing for the petitioner as well as learned Standing Counsel appearing for the respondents, it is seen that the respondents 3 & 4 locked and sealed the premises in question for violation of approved planning permission and the petitioner has submitted a revised plan for approval before the 2nd respondent. Now the petitioner is seeking larger relief of considering the revised plan as well as issue of completion certificate. The petitioner is not entitled to the relief of issue of completion certificate at this stage. Hence, the respondents are directed to consider the revised planning permission submitted by the petitioner on 18.02.2023. It is open to the respondents to de-seal the premises for inspection of the property in the presence of petitioner and consider the



application of the petitioner within a period of four weeks from the date of receipt of a copy of this order. After inspection, it is open to the respondents to re-seal the premises.

6. With the above directions, the Writ Petition is disposed of. No costs.

(V.M.V., J) (V.L.N., J)
17.04.2023

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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Greater Chennai Corporation,
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2. The Chief Engineer (Planning),
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