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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2023

CORAM

THE HON'BLE MRS. JUSTICE J.NISHA BANU
and
THE HON'BLE MRS. JUSTICE N.MALA

W.P.No. 21548 of 2023
and
W.M.P.Nos. 20921 & 20922 of 2023

Venkatesan
S/o Late Murugesan Nayakar ... Petitioner

-Vs-

1. The Executive Engineer,
2. The Assistant Executive Engineer
3. The Junior Engineer,
All are functioning at
No.1, New Street
Near GST Road
Alandur, Chennai- 600016.
4. C. Selvam
5. C. Selvaraj ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned orders passed by the 2nd respondent, dated 19.04.2023 under notice No.166/2/2023 and Notice No.02/2023 passed by the respondents 1 to

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3 dated 24.06.2023 and quash the same and consequentially direct the 1st respondent to consider the demolition and reconstruction application applied by the petitioner dated 26.06.2023 and issue plan within the period fixed by this Court.

For Petitioner : Mr. N.Manohar
Senior Counsel for Mr.M. Ganesan
For Respondents : Mr.D.B.R. Prabhu
Standing Counsel for R1 to R3

ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

This Writ Petition has been filed to call for the records relating to the impugned orders passed by the 2nd respondent, dated 19.04.2023 under notice No.166/2/2023 and Notice No.02/2023 passed by the respondents 1 to 3 dated 24.06.2023 and quash the same and consequentially direct the 1st respondent to consider the demolition and reconstruction application applied by the petitioner dated 26.06.2023 and issue plan within a time frame to be fixed by this Court.

2.The petitioner is the permanent resident of No.81/43, Nehru Nedunsalai, Bakthavachalam Nagar, Nanganallur, Chennai – 600 114. During the month of February 2023, the petitioner started putting up 2 small shops

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facing the road with minimum construction on the rear side of shops and the said shops are purely for his exclusive usage. While so, on 19.04.2023, the 2nd respondent made a sudden inspection of the petitioner's site and on the same day issued a stop work notice/notice calling for approved plan under notice no.166/2/2023, calling upon the petitioner and his mother – Lakshmi to produce the approved plan.

3.Subsequently on 24.06.2023, the respondents 1 to 3 had issued lock and seal notice for the subject property, at the instance of the 5th respondent. Therefore, the petitioner was constrained to file the present Writ Petition with the above prayer.

4.Mr.D.B.R.Prabhu, the learned Standing Counsel appearing for the respondents 1 to 3 would submit that the petitioner has constructed the alleged building without obtaining necessary planning permission from the respondents. However, they are ready and willing to consider the planning permission, if the petitioner resubmits the application, along with necessary documents, in the light of the Tamil Nadu Combined Development and

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Building Rules 2019,

5.In view of the submission made by the learned Standing Counsel, this Court directs the petitioner to resubmit the planning permission along with connected documents, within a period of 4 weeks from the date of receipt of a copy of this order and on such receipt of the application, the respondents 1 to 3 are directed to consider the same in the light of the Tamil Nadu Combined Development and Building Rules 2019, within a period of 4 weeks, thereafter.

6.With the above directions, this Writ Petition stands disposed of. No costs. Consequently connected miscellaneous petitions are closed.

(J.N.B., J.) **(N.M., J.)**

30.08.2023

Jer
Index : Yes/No
Speaking order/Non-speaking order
Neutral citation : Yes/No

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No.1, New Street
Near GST Road
Alandur, Chennai- 600016.

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J.NISHA BANU, J.,

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