



W.P.No.21040 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2023

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS.JUSTICE N.MALA**

W.P. No.21040 of 2023

G.Davarram

... Petitioner

Vs.

1) The Commissioner,
The Greater Chennai Corporation,
Ripon Building,
Chennai 600 001

2) The Executive Engineer,
Zone V,
The Greater Chennai Corporation,
Ripon Building,
Chennai 600 001

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to forthwith remove the lock and seal affixed on 10.03.2023 in the petitioner's property situated at No.01/02 New Door, Irumbu Vanniyar street, Kondithope, Chennai so as to enable the petitioner to carry out rectification works of the building in



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consonance with the sanctioned Planning permission in par with the present Tamil Nadu Combined Development and Building Rules 2019, on the basis of the petitioner's representation dated 20.06.2023.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.D.B.R.Babu,
Standing Counsel

ORDER

This writ petition has been filed seeking for a direction to the respondents to forthwith remove the lock and seal affixed on 10.03.2023 in the petitioner's property, so as to enable the petitioner to carry out rectification works of the building in consonance with the sanctioned Planning permission on par with the present Tamil Nadu Combined Development and Building Rules 2019, on the basis of the petitioner's representation dated 20.06.2023.

2. According to the petitioner, the respondents have issued a Locking & Sealing and demolition notice bearing letter No.05/05010/2022 dated 09.06.2022, alleging unauthorised construction by the petitioner, for which the petitioner gave a detailed reply, narrating the material facts, but without



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considering the same, the petitioner's property was locked and sealed by the second respondent on 10.03.2023.

3. It is the contention of the learned counsel for the petitioner that there are no additional floors put up by the petitioner and the deviations alleged by the respondents are only minor, which are rectifiable. Moreover, the petitioner being the bonafide purchaser of the subject property, is actively taking steps to rectify the building as per the sanctioned Planning permission on par with the present Tamil Nadu Combined Development and Building Rules 2019 and therefore, the petitioner made a representation, dated 20.06.2023 to the respondents, seeking that he will take steps to rectify the building in accordance with the sanctioned plan. Since the said representation has not been considered till date, the petitioner has filed the present writ petition.

4. Mr.D.B.R.Prabhu, learned standing counsel appearing for the respondents would submit that the representation of the petitioner, dated 20.06.2023 shall be considered by the respondents and a stipulated time



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shall be granted by this Court for the petitioner to comply with the sanctioned Planning permission on par with the present Tamil Nadu Combined Development and Building Rules 2019.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Considering the facts and circumstances of the case, this Court directs the respondents to consider the petitioner's representation dated 20.06.2023, thereby granting a period of three months for the petitioner to restore the building in compliance with the approved plan, failing which, the respondents are at liberty to once again reseal the petitioner's premises, if the same is not complied with. With this direction, the Writ Petition stands disposed of. No costs.

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

19.07.2023



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Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

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To:

- 1) The Commissioner,
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Chennai 600 001
- 2) The Executive Engineer,
Zone V,
The Greater Chennai Corporation,
Ripon Building,
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J.NISHA BANU, J.,
and
N.MALA, J.,

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