



W.P.No.23057 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2023

CORAM:

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

W.P. No.23057 of 2023

A.Shabbir

... 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 07.01.2023 in the petitioner's property situated at No.28/51, ,East Madha Church Street, Royapuram, Chennai - 600 013 so



W.P.No.23057 of 2023

as to enable the petitioner to carry out rectification works of the building in 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 30.06.2023.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.E.C.Ramesh,
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 07.01.2023 in the petitioner's property situated at No.28/51, ,East Madha Church Street, Royapuram, Chennai - 600 013 so as to enable the petitioner to carry out rectification works of the building in 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 30.06.2023.

2. According to the petitioner, the respondents have issued Locking & Sealing and demolition notice bearing letter No.05/05016/2022 dated 08.07.2022, alleging unauthorised construction by the petitioner, for which



W.P.No.23057 of 2023

the petitioner gave a detailed reply, narrating the material facts, but without considering the same, the petitioner's superstructure at the 4th floor was locked and sealed by the second respondent on 01.07.2023.

3. It is the contention of the learned counsel for the petitioner that 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 30.06.2023 to the respondents seeking that he will take steps to rectify the deviation 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.E.C.Ramesh, learned standing counsel appearing for the respondents would submit that the representation of the petitioner, dated 30.06.2023 will be considered by the respondents within a stipulated time as may be fixed by this Court to enable the petitioner to comply with the sanctioned Planning permission on par with the present Tamil Nadu Combined Development and Building Rules 2019.



W.P.No.23057 of 2023

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 30.06.2023, 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.)

04.08.2023

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No

vsi

To

Page No.4 of 6



W.P.No.23057 of 2023

WEB COPY

- 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



WEB COPY



W.P.No.23057 of 2023

J.NISHA BANU, J.,
and
N.MALA, J.,

vsi

W.P. No.23057 of 2023

Dated:
04.08.2023