



WEB COPY



W.P.No.25604 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU  
AND  
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.25604 of 2023  
and  
W.M.P.Nos.24992 & 24993 of 2023

S.Anandarao @ Anandraj

.... Petitioner

vs

1. The Additional Secretary (Technical),  
Government of Tamilnadu,  
Housing and Urban Development Department,  
Fort St.George,  
Chennai - 600 009.
2. The Additional Chief Secretary/Commissioner,  
Greater Chennai Corporation,  
Rippon Buildings,  
Chennai - 600 003.
3. The Executive Engineer,  
Zone-04, Greater Chennai Corporation,  
Tondiarpet Road,  
Chennai - 600 011.

4. K.Prithivraj  
S/o Kuppusamy

...Respondents



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**WEB COPY** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari Mandamus to call for the records relating to the proceedings of the 1st respondent in Letter No.4406989/UD VI(1)/2023-2 dated 07.08.2023 and quash the same and grant extension of time to the petitioner to obtain revised planning permission for Door No.23, Sathyabama Street, Vyasarpadi, Chennai - 600 039.

For Petitioner : Mr.S.Senthilnathan

For Respondents : Mr.E.Vijayanand  
Additional Government Pleader  
for R1  
Mr.E.C.Ramesh,  
Standing Counsel for R2 & R3

### ORDER

(The Order of the Court was made by J.Nisha Banu,J)

This writ petition has been filed challenging the order dated 07.08.2023 passed by the 1st respondent, rejecting the application filed by the petitioner for extension of time to comply with the order passed in the revision petition, in which, the petitioner was directed to rectify the deviations and to obtain fresh planning permission.

2. The case of the petitioner is that he is the absolute owner of the land and building in Door No.23, Sathyabama Street, Vyasarpadi, Chennai



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-600039. He constructed a portion of dwelling house in the year 2015. On the complaint given by his neighbour, the Chennai Corporation issued Lock and Seal notice dated 05.12.2019. As against the same, the petitioner filed Revision Petition under Section 80(A) of the Tamilnadu Town and Country Planning Act, 1971, before the Government of Tamilnadu on 11.12.2019. The petitioner obtained planning permission from Chennai Corporation on 25.02.2021. As the construction was in violation of the same, the order dated 09.01.2023 was passed in the revision petition, granting 3 months time to the petitioner to rectify the deviations and to obtain fresh planning permission. The petitioner sought for extension of time for three months. In the meantime, the petitioner rectified all the deviations by demolishing and altering the building. Since the extension of time was rejected by order dated 07.08.2023, revised plan for fresh approval could not be submitted by the petitioner. Hence, the present writ petition has been filed with the aforesaid relief.

3. Taking into consideration that the application dated 24.03.2023 submitted by the petitioner, for extension of time, was disposed of by rejecting the same only on 07.08.2023, we are of the view that three months time may be granted to the petitioner to rectify the deviations and to obtain



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fresh planning permission.

4. In view of the above, the impugned order dated 07.08.2023 passed by the 1st respondent is hereby set aside. The petitioner is granted three months time from the date of receipt of a copy of this order, to rectify the deviations and to obtain revised planning permission in respect of Door No.23, Sathyabama Street, Vyasarpadi, Chennai - 600 039, failing which, the 2nd & 3rd respondent Corporation is at liberty to take necessary action as per the provisions of the Tamil Nadu Town and Country Planning Act, 1971. According, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B.,J.) (N.M.,J.)  
30.08.2023

Index: Yes/No  
Speaking/Non-speaking order  
vsi

To

1. The Additional Secretary (Technical),  
Government of Tamilnadu,  
Housing and Urban Development Department,  
Fort St.George,  
Chennai - 600 009.



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2. The Additional Chief Secretary/Commissioner,  
Greater Chennai Corporation,  
Rippon Buildings,  
Chennai - 600 003.

3. The Executive Engineer,  
Zone-04, Greater Chennai Corporation,  
Tondiarpet Road,  
Chennai - 600 011.



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

vsi

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