



W.P.No.26151 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

W.P.No.26151 of 2023

S.Manoharan

..Petitioner

Vs

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
2. The Executive Engineer,
Greater Chennai Corporation
Zone-5, No.61, Basin Bridge Road,
Chennai - 600 021.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 2nd respondent to forthwith remove the lock and seal affixed on 25.02.2023 in the petitioner's property at Old No.41, New No.58, Kandappa Chetty Street, Geroage Town, Chennai - 600 001 comprised in R.S.No.5807/2 Block No.51 of VOC Nagar Village for a



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period of six months so far as to enable the petitioner to rectify and restore the said premises in conformity with the sanctioned plan and the present Tamil Nadu combined Development Rules 2019 on the basis of the petitioner's representation dated 25.05.2023 addressed to the respondents.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.D.B.R.Prabu,
Standing Counsel for R1 & R2

ORDER

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

This writ petition has been filed seeking for a direction the 2nd respondent to forthwith remove the lock and seal affixed on 25.02.2023 in the petitioner's property at Old No.41, New No.58, Kandappa Chetty Street, George Town, Chennai - 600 001 comprised in R.S.No.5807/2, Block No.51 of VOC Nagar Village for a period of six months so far as to enable the petitioner to rectify and restore the said premises in conformity with the sanctioned plan and the present Tamil Nadu Combined Development Rules 2019 on the basis of the petitioner's representation dated 25.05.2023 addressed to the respondents.

2. The case of the petitioner is that he is the owner of the aforesaid



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property. He purchased the said property on 27.09.2021. As the building was in dilapidated condition, the petitioner decided to demolish the existing building and to construct a new commercial cum residential building in the said property. For the said purpose, he applied and obtained permission for demolition and reconstruction from the Corporation of Chennai on 24.02.2022. According to the petitioner, during the course of construction, there are deviations and for the said deviation, stop work notice was issued by the respondents on 04.05.2022 and the petitioner was asked by the Assistant Executive Engineer Unit-13, to produce the plan copy for the said construction. The petitioner produced the same along with the sale deed to the said authority. In spite of the same, locking & sealing and demolition notice dated 22.07.2022 was issued to the petitioner and the 2nd respondent sealed the petitioner's premises on 25.02.2023.

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,



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dated 25.05.2023 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.D.B.R.Prabu, learned standing counsel appearing for the respondents would state that the representation of the petitioner, dated 25.05.2023 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.

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 25.05.2023, thereby granting a period of eight weeks time for the petitioner to restore the building in compliance with the approved plan, failing which,



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the respondents are at liberty to once again reseal the petitioner's premises.

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With this direction, the Writ Petition stands disposed of. No costs.

(J.N.B.,J.) (V.L.N,J.)
05.09.2023

Index:Yes/No

Speaking/Non-speaking order
vsi

To

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