



W.P.No. 27598 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No. 27598 of 2023

A.Poongavanam

..Petitioner

Vs.

1. Government of Tamil Nadu
Rep. by its Secretary to Government
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.

2.Greater Chennai Corporation
Rep. by its Commissioner
Ripon Building,
Chennai - 600 003.

3.The Executive Engineer,
Greater Chennai Corporation,
Zone-VIII, 2nd Street East,
Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 2nd and 3rd respondents to de-seal the 2nd

Page No:1/7



W.P.No. 27598 of 2023

floor of the petitioner's premises at No.109, Periyar Paathai West, Arumbakkam, Chennai-600 106 which was sealed on 16.02.2021 by considering the petitioner's representation dated 29.08.2023 to enable the petitioner to carry out rectifications and submit a revised plan under the Tamil Nadu Combined Development Regulations Rules, 2019.

For Petitioner : Mr.N.Ganesh

For Respondents : Mr.E.Vijay Anand for R1
Additional Government Pleader
Mr.D.B.R.Prabhu for R2 and R3
Standing Counsel

ORDER

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

This Writ Petition has been filed to direct the 2nd and 3rd respondents to de-seal the 2nd floor of the petitioner's premises at NO.109, Periyar Paathai West, Arumbakkam, Chennai-600 106 which was sealed on 16.02.2021 by considering the petitioner's representation dated 29.08.2023 to enable the petitioner to carry out rectifications and submit a revised plan under Tamil Nadu Combined Development Regulations Rules, 2019.



W.P.No. 27598 of 2023

2. By consent of both parties, the main writ petition is taken up

for final disposal at the admission stage itself.

3. According to the petitioner, the 3rd respondent had issued a de-occupation notice dated 03.02.2021 and subsequently, locked and sealed the 2nd and 3rd floor of the premises on 16.02.2021, which was used for body fitness center and cable TV network. Aggrieved by the same, the petitioner preferred a Special Revision Petition before the 1st respondent on 23.02.2021 and also preferred a writ petition in W.P.No. 6823 of 2021 and this Court vide order dated 31.03.2021 had directed the 1st respondent therein to entertain the Special Revision/Appeal and dispose of the same within a period of three(3) weeks from the date of receipt of copy of order and till such time, the respondents 3 to 5 shall defer further decision in terms of the impugned De-occupation notice dated 03.02.2021.

4. Pursuant to the said order, the 1st respondent rejected the Special Revision Petition vide letter dated 29.10.2021.



W.P.No. 27598 of 2023

5. 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 29.08.2023 to the respondents 2 and 3, 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.

6. Mr.D.B.R.Prabhu, learned standing counsel appearing for the R2 and R3 would submit that the representation of the petitioner, dated 29.08.2023 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. 27598 of 2023

7. Heard the learned counsel appearing on either side and

perused the materials placed before this Court.

8. Considering the facts and circumstances of this case and considering the petitioner being the bonafide purchaser of the subject property and actively taking steps to rectify the building as per the sanctioned plan permission, the petitioner is granted three(3) months time to restore the building in compliance with the approved plan, failing which, the respondents are at liberty to reseal the petitioner's premises, if the same is not complied within the above said period of three(3) months.

9. With the above direction, the Writ Petition stands disposed of.

No costs.

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

20.09.2023

Index : Yes / No

Speaking Order : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

msv

Page No:5/7



W.P.No. 27598 of 2023

WEB COPY

To

1. The Secretary to Government
Government of Tamil Nadu
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.

2. Greater Chennai Corporation
Rep. by its Commissioner
Ripon Building,
Chennai - 600 003.

3. The Executive Engineer,
Greater Chennai Corporation,
Zone-VIII, 2nd Street East,
Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.



WEB COPY



W.P.No. 27598 of 2023

J.NISHA BANU,J.

And

N.Mala,J.

msv

W.P.No. 27598 of 2023

20.09.2023

Page No:7/7