



W.M.P.No.29390 of 2023

W.M.P.No.29390 of 2023

in

W.P.No.22632 of 2022

J.NISHA BANU,J.

and

V.LAKSHMINARAYANAN,J.

[Order of the Court was made by *V.LAKSHMINARAYANAN, J.*]

By an order dated 05.09.2023, we had recorded the statement made by Mr.P.Gurunathan, learned Additional Government Pleader to the effect that the special revision filed under Section 80-A had been dismissed as early as on 29.05.2023 and that the lock and seal and the demolition notices issued stood confirmed. It was in the light of the said statement, we had given a direction that since there is no impediment for the town planning authorities, they could proceed further and restore the property back to its original approved condition.

2. However, after the disposal of the Writ Petition, an application has been filed by the seventh respondent in W.M.P.No.29390 of 2023 to modify the order passed in W.P.No.22632 of 2022 dated 05.09.2023. In the said Writ Miscellaneous Petition, he has enclosed the order passed by the Government on the Special Revision dated 29.05.2023.



WEB COPY



W.M.P.No.29390 of 2023

3. A perusal of the order shows that the appeal had not been rejected as stated by the learned Additional Government Pleader, but suitable directions had been issued by the Government. In fact, the Government had set aside the locking and sealing and demolition notice dated 28.10.2022. Therefore, the statement of the learned Additional Government Pleader was factually erroneous and paragraph No.5 of the order passed by this Court in W.P.No.22632 of 2022 dated 05.09.2023 requires to be recalled. Accordingly, we recall the same. The matter does not stop with that. We have to further add that the Government had directed the third respondent to carry out an inspection and record all the violations made in the building. The Chennai Metropolitan Development Authority (CMDA) was directed to issue fresh notice, indicating all the deviations from the approved plan and notice to be served on all the owners in whose portions, the violations have been found. The Government had further directed the CMDA to scrupulously adhere to the provisions of the Tamil Nadu Town and Country Planning Act and Rules notified therein.

4. Mr.Naveen Kumar Moorthy, learned counsel representing Mr.K.Gajendiran for the seventh respondent, would submit that a gate, which has



been placed in the premises, had been removed and it was only thereafter, the application was filed on 09.10.2023.

5. In the light of the above circumstances, W.M.P.No.29390 of 2023 stands ordered. Consequently, paragraph No.5 of the order dated 05.09.2023 in W.P.No.22632 of 2022 shall stand deleted and it shall be substituted as follows:

“5. The third respondent/CMDA is directed to adhere with the directions given by the Government in its order dated 29.05.2023, in particular, in paragraph No.9. The said exercise of inspection and issuance of notice shall be carried out within a period of eight (8) weeks from the date of receipt of a copy of this order. If violations are noticed, the Chennai Metropolitan Development Authority shall strictly comply with the requirements of the statute and serve the notice on the violators and comply with the timelines given under the Town and Country Planning Act.

6.Mr.Naveen Kumar Moorthy states that the period of removal of unauthorized constructions were not adhered to, insofar as the removal of the gate is concerned. Since action has been initiated pursuant to the directions of this Court, either the petitioner or the respondents 7 and 8 shall not alter the physical features of the property, as it stands on today till the inspection is completed by CMDA.



WEB COPY



W.M.P.No.29390 of 2023

7. *With the above directions, the Writ Petition stands disposed of. No costs."*

Registry is directed to carry out necessary corrections and issue fresh order copy to the parties forthwith.

(J.N.B.,J.) (V.L.N.,J.)
18.10.2023

Lm



WEB COPY



W.M.P.No.29390 of 2023

J.NISHA BANU,J.
and
V.LAKSHMINARAYANAN,J.

Lm

W.M.P.No.29390 of 2023
in
W.P.No.22632 of 2022

18.10.2023