



W.P.No.30357 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.30357 of 2019

Mrs.Kalpana Paridas

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Petitioner

versus

1. The Additional Secretary,
Housing and Urban Development,
Secretariat, Chennai – 600 009.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai- 600 008.

3.The Commissioner,
Greater Chennai Corporation,
Chennai-600 003.

4.The Executive Engineer,
Zone 15, Greater Chennai Corporation,
No.120, Rajiv Gandhi Salai,
Sholinganallur, Chennai -119.

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Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to order in Letter No.6126/UD-VII(2)/2019-4, dated 03.09.2019 on the file of first respondent and consequently, direct the respondents nos. 2 to 4 to deseal premises bearing Plot No.3/498. A2 Toll Plaza, Uthandi Chennai-600 119 for the purpose of maintenance.

For Petitioner : Ms.P.Chitra Sampath
for Mr.R.Sivaraman

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader
for first respondent
Ms.P.Veena Suresh
Standing Counsel
for second respondent
Mr.D.B.R.Prabhu
Standing Counsel for
respondents 3 and 4

ORDER

(Order of the Court was made by *D.KRISHNAKUMAR, J.*)

The writ petition has been filed for a Certiorarified Mandamus calling for the records pertaining to order in Letter No.6126/UD-VII(2)/2019-4, dated 03.09.2019 on the file of first respondent and consequently, direct the respondents nos. 2 to 4 to deseal the premises bearing Plot No.3/498. A2 Toll Plaza, Uthandi Chennai-600 119 for the purpose of maintenance.



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2. According to the petitioner, she has purchased the property in the year 2009 and for the purpose of constructing a building in the said property, she had engaged a builder. During construction, the wall constructed on the 3rd side had crushed on the compound wall of the adjacent plot. As the builder had some misunderstanding with the erstwhile owner, who is owner of the adjacent plot, the erstwhile owner had made a complaint before the Corporation about the said construction. Based on the said complaint, the Corporation has inspected the premises and issued notice on 27.11.2018, to stop the work in the petitioner's property. Subsequently, Lock and Seal notice dated 30.11.2018 was issued under Section 57 read with 85 of the Town and Country Planning Act to the petitioner on the ground that the said construction was unauthorized without any planning permission. Thereafter, respondent Corporation has locked and sealed the premises on 08.02.2019. Hence, she has filed the present writ petition with the aforesaid prayer.

3. Learned counsel for the petitioner, submitted that that petitioner has got a planning approval from the appropriate authority. The fourth respondent can inspect the property and if they find any



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violation, necessary notice can be issued to the petitioner for rectifying the defects pointed out by the Corporation.

4. Learned counsel for the Corporation has also not refuted to the said submission made by the learned counsel for the petitioner and submitted that authorities will inspect the property and if they find any deviation, necessary action will be taken in accordance in law.

5. Recording the aforesaid statement, we are inclined to pass order as follows:

i) The fourth respondent is directed to inspect the petitioner's premises within a period of two weeks from the date of receipt of a copy of this order, in the presence of the petitioner as well as interested party, if any.

ii) If the fourth respondent finds any deviation during inspection, the fourth respondent may grant sufficient time to the petitioner to carry out necessary rectification as pointed out by the Corporation.

iii) We make it clear, that if the fourth respondent is not satisfied even after providing opportunity to the petitioner to rectify the defects as pointed out by the Corporation, it is open to the respondent



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Corporation to proceed in accordance with law, by taking necessary action for deviation or removal of the unauthorized construction.

6. With the above directions, the writ petition stands disposed of.

Consequently, connected W.M.P. No.30345 of 2019 is closed.

[D.K.K., J.] [P.D.B., J.]
28.06.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn

To

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and
P. DHANABAL, J.

(mrn)

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