



W.P.No.35646 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM

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

W.P.No.35869 of 2023

K.Gowry Bai

.... Petitioner

vs.

1.The Commissioner,
Greater Chennai Corporation
Ripon Building, Chennai 600 030.

2.The Executive Engineer,
Greater Chennai Corporation,
Zone XIII, Dr.Muthulakshmi Salai,
Adyar, Chennai 600 020.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to forthwith remove the lock and seal affixed in the petitioner's property at Flat No.9, City Star Silversprings Apartments, Old No.26, New No.59, Kasthuri Bai Nagar, Adyar, Chennai 600 020 for a period of about 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 03.04.2023 addressed



For Petitioners : Mr.R.Karthikeyan

For Respondents : Mr.D.B.R.Prabhu, Standing Counsel

ORDER

This writ petition has been filed to issue a Writ of Mandamus directing the respondent to remove the lock and seal affixed in the petitioner's property to enable him to rectify and restore the said premises in conformity with the sanctioned plan and the present Tamil Nadu Combined Development Rules.

2. The case of the petitioner is that he is the owner of the property situated at Flat No.9, City Star Silversprings Apartments, Old No.26, New No.59, Kasthuri Bai Nagar, Adyar, Chennai. He purchased the said property from one C.Mahalakshmi. Earlier, the petitioner's vendor obtained Sanction and Building Permit from the concerned Department. After purchase, the petitioner is in peaceful possession. The 2nd respondent has issued Locking and Sealing Notice dated 20.10.2016 and thereafter sealed the deviated portions as pointed out in the notice dated 20.10.2016. On 03.04.2023, the petitioner made representation to the respondents for de-sealing his property and the same is pending. Therefore, the petitioner is constrained to approach this Court by



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filing this writ petition.

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3. Though very many grounds have been raised, the learned counsel appearing for the petitioner submitted that the petitioner is ready to rectify deviations and bring the building in consonance to the sanctioned plan.

4. The petitioner has also filed an undertaking affidavit stating that he will rectify the deviations. Paragraph No.3 of the undertaking affidavit filed by the petitioner reads as follows:

"3. I submit that, I undertake to rectify the deviations in the constructions put up at Flat No.9, City Star Silversprings Apartments, Old No.26, New No.59, Kasthuri Bai Nagar, Adyar, Chennai 600 020 within 4 months or reasonable time as may be granted by this Hon'ble Court."

5. Considering the facts and circumstances of the case and taking into account the undertaking given by the petitioner, we are inclined to grant four months time to rectify the deviations and bring the building in accordance with the Sanctioned Plan. Therefore, we direct the respondent to de-seal the premises within one week from the date of receipt of a copy of this order. If the petitioner fails to rectify the defects, the respondents shall take necessary



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action in accordance with law.

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6. This Writ Petition stands disposed of with the above terms. No costs.

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

22.12.2023

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Index : Yes / No

Internet : Yes / No

To

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J. NISHA BANU, J.

and

N.MALA, J.

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