



WEB COPY



WP.Nos.407/2022 & 34753/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

WP.Nos.407/2022 & 34753/2023

&

WMP.Nos.25038, 1119, 1954/2022, 463/2022 & 34720/2023

WP.No.407/2022:-

- 1.M.Rahamathunisha
- 2.Ramachandran
- 3.Asraf
- 4.Madhan
- 5.Jayath Mohammed
- 6.Rafiz Pangin
- 7.M.Sathya
- 8.Padmavathy
- 9.Mohammed Illiyas

... Petitioners

Vs.

- 1.The Commissioner
Greater Chennai Corporation
Ripon Buildings, Chennai.
- 2.The Executive Engineer
Zone-VI, Greater Chennai Corporation
Ripon Buildings, Chennai.



WP.Nos.407/2022 & 34753/2023

3.M/s.New Venus Developers Private Limited
rep.by its Managing Director,
No.19, Thacker Street, purasaiwalkam
Chennai 34.

... Respondents

****R3 impleaded vide order dated 31.03.2022
in WMP.Nos.5672 & 8017/2022 in WA.No.407/2022**

Prayer in WP.No.407/2022 : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents to forbear all further proceedings of the respondents from initiating any coercive action of locking and sealing of the petitioners premises, pursuant to the de-occupation notice dated 15.12.2021 bearing Notice No.Zone VI/TPENF/2021 issued by the 2nd respondent herein under sections 56 and 57 read with section 85 of Town and Country Planning Act, 1971, pertaining to the petitioners premises situated at Door No.132/6, Sachidanantham Street, Kosapet, Chennai 600 012, so as to enable the petitioners to rectify and restore the petitioners premises in consonance with the permissible planning rules and regulations in the said premises within 6 months on the basis of the petitioners representation dated 05.01.2022.

WP.No.34753/2023:-

M/s.New Venus Developers Private Limited
rep.by its Managing Director,
No.19, Thacker Street, purasaiwalkam
Chennai 600 084.

.. Petitioner

Versus

1.The Commissioner
Greater Chennai Corporation
Ripon Buildings, Chennai.



WP.Nos.407/2022 & 34753/2023

2.The Executive Engineer
Zone-VI, Greater Chennai Corporation
Ripon Buildings, Chennai.

.. Respondents

Prayer in WP.No.34753/2023 : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus to permit the petitioner to demolish the unauthorised portions on the entire constructions put up at No.132/6, Sachidanantham Street, Kosapet, Chennai 600 012 obtaining necessary planning permission from the respondent and till such time to accommodate the flat owners in an alternative house at the cost of the petitioner within a reasonable time not less than 6 months and further direct the respondents to forbear from any enforcement action pending such process as fixed by this Court.

For Petitioners in WP.No.407/2022	: Mr.C.S.Srinivasan
For Petitioner in WP.No.34573/2023	: Mr.P.Balamurugan
For RR 1 & 2 in both petitions	: Mr.D.B.R.Prabhu, Standing counsel
For R3 in WP.No. 407/2022	: No appearance

COMMON ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

(1)WP.No.407/2022has been filed by the petitioners seeking issuance of a writ of mandamus to direct the respondents to forbear all further proceedings consequent upon issuance of the De-Occupation Notice dated 15.12.2021.



WEB COPY

(2) WP.No.34753/2023 is filed by the petitioner / Builder for issuance of a writ of mandamus to permit the petitioner to demolish the unauthorised construction put up at No.132/6, Sachidanantham Street, Kosapet, Chennai 600 012 and to construct a new building after obtaining necessary planning permission from the official respondents and till such time, to accommodate the flat owners in an alternative house at the cost of the petitioner and to further direct the respondents to forbear from any enforcement action pending such process as fixed by this Court.

(3) The writ petitioners have stated that they themselves would rectify and restore the building in accordance with the building plan permission at the time of filing the writ petition. However, subsequently, the learned counsel for the petitioners submitted that the entire building can be pulled down as they have decided to put up a new construction after obtaining building plan permission. It is in the said circumstances, the learned counsel for the petitioners wanted time till May 2024.

(4) This Court was inclined to grant time subject to condition that the petitioners should give an undertaking before this Court to vacate the premises by the end of May 2024 and to hand over vacant possession of



WP.Nos.407/2022 & 34753/2023

WEB COPY

the building to the Builder on 1st June 2024. Accordingly, the Undertaking Affidavit is filed by all the petitioners. The Builder has also given an undertaking that he will now pull down the structure and reconstruct the building in accordance with the building plan permission which has now been obtained by him.

(5) Recording the statements, the writ petitions are closed and without any intervention of any of the respondents, the Builder may demolish the entire building and proceed to put up construction in accordance with the approved building plan. No costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [N.S., J.]
08.03.2024

AP

Internet : Yes

To

1. The Commissioner
Greater Chennai Corporation
Ripon Buildings, Chennai.
2. The Executive Engineer
Zone-VI, Greater Chennai Corporation
Ripon Buildings, Chennai.



WEB COPY



WP.Nos.407/2022 & 34753/2023

S.S. SUNDAR, J.,
and
N.SENTHILKUMAR, J.,

AP

WP.Nos.407/2022 & 34753/2023

08.03.2024