



W.P.No.2080 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.2080 of 2024

and

W.M.P.No.2229 of 2024

P.Shanthi

... Petitioner

Vs.

- 1.The Secretary (Technical)
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai – 600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Park Town,
Chennai – 600 003.
- 3.The Zonal Officer,
Zone-V, Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai – 600 021.



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4.The Executive Engineer, Zone-V,
Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai – 600 021.

5.The Assistant Executive Engineer,
Unit-14, Zone-V,
Greater Chennai Corporation,
Adhikesavalu Street, Chintadripet,
Chennai – 600 002.

6.The Assistant Engineer,
DIV 062, Greater Chennai Corporation,
Adhikesavalu Street, Chintadripet,
Chennai – 600 002.

7.Mangaiyarkarasi

8.Muthu kumari

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondents 4 to 6 relating to the notice bearing No.DN/62/063/2023, dated 21.12.2023 and quash the same as illegal and artbitrary and consequently, permit the petitioner to resume the construction works as per plan approval No.PPA/WDCN05/02355/2023 and Building Approval No.BA/WDCN05/04217/2023 both dated 23.06.2023 granted by the 2nd respondent.



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For Petitioner : Mr.Thanga Vadhana Balakrishnan
For R1 : Mr.R.Vigneshwaran
Government Advocate
For R2 to R6 : Mr.D.B.R.Prabhu
Standing Counsel

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

Challenge in this writ petition is to the Lock & Seal and Demolition Notice, dated 21.12.2023, issued by the respondents calling upon the petitioner to restore the building in compliance with the approved plan, within 30 days.

2.The petitioner has challenged the impugned order only on the ground that the petitioner has submitted for a revised plan and the same is under consideration. However, the petitioner appears to have proceeded with the construction, even without obtaining planning permission for the ongoing construction. Having admitted that the petitioner has not obtained



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planning permission for the ongoing construction, the petitioner is not supposed to proceed with the construction. Therefore, this Court is inclined to issue the following directions :

- i. The petitioner shall stop the construction immediately and the respondents are directed to take action if the construction is proceeded with further, after taking a photograph of the existing construction.
- ii. It is open to the petitioner to pursue the application stated to have been filed by the petitioner either for regularisation or for revised plan or the revision filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.
- iii. Till such time the application for regularisation or revised plan or the revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, stated to have been filed by the petitioner, is considered and disposed of on merits and in accordance with law, the respondents shall not take any action for removal of the existing construction.
- iv. However, it is made clear that, if any construction activity is



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continuing in the site despite this order, it is open to the respondents to take action for demolition of the entire construction and they need not wait till the disposal of the application for regularisation or revised plan or revision filed by the petitioner, by the concerned authorities.

- v. This order should be understood that both the petitioner and respondents shall maintain status *quo* as on date. If the petitioner indulges in any further construction activities, this order will not protect the petitioner even to save the existing building which is in violation of the Building Rules and contrary to the building plan permission granted to the petitioner earlier.

3. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (N.S., J.)
26.02.2024

mkn

Internet : Yes



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Index : Yes / No

Neutral Citation : Yes / No

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To

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