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W.P.No.6861 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.6861 of 2024

B.Dhanesh

... Petitioner

Vs.

1.The Zonal Officer,
Zone-V, Greater Chennai Corporation,
No.105, Basin Bridge Road,
Royapuram, Chennai – 600 079.

2.The Executive Engineer,
Zone-V, Greater Chennai Corporation,
No.105, Basin Bridge Road,
Royapuram, Chennai – 600 079.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to de-seal the petitioners property at Old No.176, New No.118, NSC Bose Road, Chennai 600003 to enable the petitioner to remove the deviated construction and to restore the property in accordance with the sanctioned planning permission



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and in conformity with the Tamil Nadu Combined Development and Building Rules, 2019 within a period of 6 months.

For Petitioner : Mr.K.Sivasubramanian
For Respondents : Mr.E.C.Ramesh
Standing Counsel

ORDER

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

This writ petition is filed for issuance of a Writ of Mandamus directing the respondents to de-seal the petitioner's property to enable the petitioner to remove the unauthorized construction which is in deviation of the sanctioned plan obtained by the petitioner, within a period of six months.

2.It is the case of the petitioner that he had obtained planning permission dated 01.10.2019 for putting up construction in the property owned by him with Stilt plus two Floors. Though there was no floor violation during inspection by the respondents, they found that the construction is not in accordance with the approved plan. Therefore, the respondent Corporation issue a Stop Work notice dated 04.02.2022. Even



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though the petitioner gave a reply to the 2nd respondent, the 2nd respondent issued once again a Locking and Sealing Notice dated 18.03.2022.

Thereafter, the respondent Corporation have locked and sealed the premises on 03.02.2024. Even though the petitioner is not aggrieved by the facts recorded in the notice issued by the respondents, the petitioner has now come forward to demolish the portions and the constructions which are not in accordance with the approved plan.

3.Having regard to the nature of work to be undertaken by the petitioner, this Court is convinced that the building can be brought in tune with the sanctioned plan, as there is no floor violation and the deviations can be removed by demolition of some portions of the building. Learned Standing Counsel appearing for the Corporation has no serious objection for granting six months' time for the said purpose.

4.Therefore, this Court is inclined to issue the following directions :

- i. Only for the purpose to enable the petitioner to demolish the



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unauthorized constructions so as to bring down the building in accordance with the sanctioned plan, six months' time is granted to the petitioner to carry out the demolition work on his own.

- ii. For the aforesaid purpose alone, the respondents are directed to de-seal the premises within a period of one week from the date of receipt of a copy of this order.
- iii. It is open to the respondent Corporation to inspect the building whenever they want, to ensure that, except for carrying out demolition operation as undertaken by the petitioner before this Court, the premises is not put to use for any commercial or residential purposes till such time the demolition and alteration is complete.

5. With the above directions, this writ petition is disposed of. No costs.

(S.S.S.R., J.) (N.S., J.)
14.03.2024

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Internet : Yes
Index : Yes / No
Neutral Citation : Yes / No



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



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