



WP.No.7454 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

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1. P.Vinod
2. M.Venkatesan
3. K.Prakash
4. Syed Ashraf Ali
5. Mukesh Kumar Bafina
6. Jeevanlata
7. Narendra Kumar

...petitioners

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai 600 003.
2. The Executive Engineer, Zone VIII,
Greater Chennai Corporation,
Pulla Avenue, Shenoy Nagar,
Chennai 600 030.

...respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents herein to remove the lock and seal (de-seal) of the building forthwith put up at New Nos.151 to 155, (Old Nos.132-134), Periyar EVR Salai, (Poonamallee High Road), Kilpauk, Chennai 600 010, which was sealed on 16.09.2022 under Section 56 of the Tamil Nadu Town & Country Planning Act by considering the representation submitted to the 1st and 2nd respondents on 24.11.2023 to enable the petitioners to carry out the rectifications and demolitions insofar as the deviations in the constructions and to restore the building as per the prevailing Tamil Nadu Combined Building and Development Rules, 2019.

For petitioners : Mr.R.Mohan

For respondents : Mr.D.B.R.Prabhu

ORDER

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

This petition has been filed for issuance of a Writ of Mandamus, directing the respondents herein to remove the lock and seal (de-seal) of the building forthwith put up at New Nos.151 to 155, (Old Nos.132-134), Periyar EVR Salai, (Poonamallee High Road), Kilpauk, Chennai 600 010,



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which was sealed on 16.09.2022 by considering the representation submitted to the respondents 1 and 2 on 24.11.2023 to enable the petitioners to carry out the rectifications and demolition.

2. The petitioners had put up construction without a planning permission. Finding that the whole construction is unauthorised, locking and sealing notice was issued to the petitioners by the second respondent. Following that, de-occupation notice was also issued to the petitioners and other occupants by the second respondent. Thereafter, the premises were locked and sealed by the respondent. Subsequently, the petitioners submitted a representation to the respondents for permitting them to pull down the entire structure.

3. Though the petitioners submitted a representation on 24.11.2023 seeking permission to rectify the deviation in the construction put up in the first floor of the building and to demolish the deviated portion, from the impugned orders this Court is unable to see any scope for rectification. However, the learned counsel for the petitioners by referring to the affidavit filed in support of the petition submitted that the petitioners want to demolish the entire construction and put up a new building as per the



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prevailing Tamil Nadu Combined Building and Development Rules, 2019.

The statements made in the representation and the affidavit filed in support of the Writ Petition are entirely different.

4. The learned counsel for the petitioners submitted that the petitioners have now decided to demolish the entire structure and put up a new construction. It is also submitted that they have submitted a plan for demolition. However, in view of the fact that the premises have been put under lock and seal by the respondents, the learned counsel states that the petitioners' application for demolition has not been processed.

5. Having regard to the submissions of learned counsel for the petitioners that the petitioners have now decided to pull down the entire structure and put up new construction after obtaining planning permission, this Writ Petition is allowed with following directions:

- i) The respondents are directed to process the application of the petitioners for permission to demolish the building in terms of the Rules that are applicable.
- ii) Permission may be granted to demolish the entire building within a period that may be prescribed by order and subject to usual conditions if any.



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- iii) The respondent shall remove the lock and seal on the subject property without any further delay.
- iv) The petitioners shall not use the building for any purpose, till such time, the entire building is demolished and a new construction is made.

No costs.

(S.S.S.R.J.,) (N.S.J.,)
21.03.2024

Index : Yes / No
Speaking order: Yes/No
pvs

To

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