



WEB COPY



W.P.No.9431 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and

THE HONOURABLE MR. JUSTICE P.B. BALAJI

W.P.No.9431 of 2024 & W.M.P.No.10434 of 2024

G. Jayakumar

Petitioner

v

1. The Additional Secretary (Technical)
Housing and Urban Development Department
Secretariat
Chennai 600 009
2. The Additional Chief Secretary/Commissioner
Greater Chennai Corporation
Ripon Buildings
Chennai 600 003
3. The Executive Engineer
Zone – 7, Greater Chennai Corporation
T.H. Road
Ambattur
Opp. Dunlop Company
Chennai 600 053
4. The Assistant Executive Engineer, Unit – 19
Zone – 7, Block 84
Greater Chennai Corporation
No.536, T.H. Road, Ambattur
Opp. Dunlop Company
Chennai 600 053

Respondents



W.P.No.9431 of 2024

Writ Petition filed under Article 226 of the Constitution of India

seeking a writ of mandamus directing the first respondent to consider the petitioner's representation dated 10.02.2024 and consequently, direct the fourth respondent not to take any steps in pursuance of their order dated 20.03.2024 in M.A.Na.Ka.No.027/Special 2024, till the disposal of the petitioner's representation dated 10.02.2024 before the first respondent.

For petitioner	Mr. S.L. Venkatesan
For R1	Mr. M.R. Gokulkrishnan Additional Government Pleader
For RR 2 to 4	Mr. E.C. Ramesh Standing Counsel

ORDER

This writ petition has been filed seeking a writ of mandamus directing the first respondent to consider the petitioner's representation dated 10.02.2024 and consequently, direct the fourth respondent not to take any steps pursuant to the order dated 20.03.2024 in M.A.Na.Ka.No.027/Special 2024, till the disposal of the petitioner's representation dated 10.02.2024 before the first respondent.



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WEB COUNCIL

2. The petitioner has been in possession of the property in S.Nos.50,154 and 155 since the year 2010. While so, he was issued with a de-occupation notice dated 01.03.2023. Hence, the petitioner approached the C.M.D.A. seeking approval of construction made by him and pending approval, the second respondent locked and sealed the petitioner's premises on 06.07.2023. Challenging the de-occupation notice dated 01.03.2023, the petitioner filed a revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1972, wherein, the first respondent granted three months time to the petitioner to obtain planning permission for his building as per the Tamil Nadu Combined Development and Building Rules, 2019, and further, the Chennai Corporation was directed to de-seal the building for the said period of three months.

3. As directed by the first respondent, the petitioner seems to have moved the respondents 2 and 3 seeking grant of permission for his building, besides, seeking patta from the competent authority. However, concededly, as on date, the petitioner has not obtained patta for the property in question and also not obtained the required permission from the competent authority.



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4. Now, according to the petitioner, he is in need of six months time to demolish and reconstruct the property with the required permission from the Chennai Corporation.

5. On the side of the respondents, it was submitted that the petitioner has neither got patta nor the required permission for the property and hence, the relief sought by the petitioner cannot be granted.

6. Heard the learned counsel for the parties and perused the materials available on record.

7. The fact remains that the construction put up by the petitioner is unauthorised, inasmuch as, neither patta nor building permission has been obtained by the petitioner, notwithstanding the fact that he was afforded time towards this end. It is also an admitted fact that the petitioner's property is under lock and seal *vide* notice issued under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1972.



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8. The above being the factual matrix of the case, to secure the ends of justice, this Court grants three months time to the petitioner to obtain necessary approval from the Chennai Corporation in order to bring his property in consonance with the rules concerned. It is made clear that if no such permission is obtained by the petitioner within a period of three months as directed above, it is open to the authorities concerned to proceed further in accordance with law in removing the unauthorised construction put up by the petitioner.

With the above directions, this writ petition stands disposed of sans costs. Connected W.M.P. stands closed.

(D.K.K., J.) (P.B.B., J.)
29.10.2024

cad



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D. KRISHNAKUMAR, J.
and
P.B. BALAJI, J.

cad

To

1. The Additional Secretary (Technical)
Housing and Urban Development Department
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2. The Additional Chief Secretary/Commissioner
Greater Chennai Corporation
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3. The Executive Engineer
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