



W.P.No.13946 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.13946 of 2024

Kavitha

.. Petitioner

Vs.

1. The Secretary to Government  
Housing & Urban Development Department  
Fort St. George, Chennai 600 009.
2. The Commissioner  
Greater Chennai Corporation, Ripon Building  
Chennai 600 001.
3. The Executive Engineer, Zone VIII  
The Greater Chennai Corporation  
Chennai 600 001.
4. The Tahsildar  
Aminjikarai Taluk  
Chennai 600 030.

5. D.Rajasekaran

.. Respondents

[R5 impleaded vide order dated  
05.09.2024 in WMP No.18690/24]



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus to call for the records of the order locking and sealing notice dated 07.05.2024 vide show cause notice: Z.O.8.C.No./2627/2022 issued by the 3<sup>rd</sup> respondent herein under the Town and Country Planning Act, 1971 pertaining to the subject property situated at No.10, Thangam Colony, 1<sup>st</sup> Street, Anna Nagar West, Chennai 600 040 and consequently, forbear all further proceedings of the respondents from initiating any coercive action of locking and sealing for the subject property.

For the Petitioner : Mr.A.M.Volga

For the Respondents : Mr.A.Edwin Prabakar  
State Government Pleader

ORDER

(Order of the Court was made by  
the Hon'ble Acting Chief Justice)

The petitioner challenges the lock and seal notice and consequently, to forbear the respondents from initiating any coercive action.

2. The third respondent has filed a counter affidavit, wherein, it is stated that the respondent Corporation had issued Stop Work



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Notice calling for the approved plan on 11.11.2020 and only thereafter, issued the locking and sealing and demolition notice on 08.07.2021 in respect of ground + 2 floors building with the following deviation:

| <i>Sl No</i> | <i>Description</i>         | <i>As per plan</i> | <i>As on site</i> | <i>Deviated/ Unauthorised</i> |
|--------------|----------------------------|--------------------|-------------------|-------------------------------|
| 1            | Ground Floor & Car Parking | 136.73             | 181.42            | 44.69 m2                      |
| 2            | First Floor                | 141.83             | 181.42            | 39.59 m2                      |
| 3            | Second Floor               | 99.89              | 181.42            | 81.53 m2                      |
| 4            | Terrace Floor              | 9.00               | 14.22             | 5.22 m2                       |

3. It is further stated in the counter affidavit that the said notice was challenged by the petitioner in W.P.No.476 of 2022 and the same was disposed of by order dated 12.01.2022 as under:

*"7. Considering the prayer sought for in the writ petition and the submissions of learned counsels appearing on either side, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to dispose of the appeal preferred by the petitioner within a period of six months. Till such time, the respondents shall not take any coercive action."*



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4. Pursuant to the above order, the Additional Secretary to Government, Housing and Urban Development Department, after conducting personal hearing on 24.03.2022, passed an order dated 08.04.2022, which reads as under:

*"The Appellant and her Counsel has attended the hearing. The officials of Chennai Metropolitan Development Authority and Greater Chennai Corporation were present during the hearing. The Appellant and her Counsel have informed that the Appellant is willing to rectify violation as per existing rules.*

*The Government after careful consideration hereby grant 3 months time to the Appellant to rectify the violation of the subject building and to submit the revised planning permission to the Greater Chennai Corporation. The Principal Secretary/ Commissioner, Greater Chennai Corporation is directed to pursue necessary action accordingly and to send the report to the Government at the end of aforesaid 3 months period."*

5. The petitioner has not chosen to aver about the earlier writ



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petition before this Court as well as the above proceedings nor filed an appeal before the authority concerned challenging the said proceedings.

6. In such circumstances, we are not inclined to entertain this writ petition on the ground of non-disclosure of the fact and since the plan is pending before the planning authority, we are not granting any protection to the petitioner. Accordingly, the writ petition is dismissed. There shall be no order as to costs. Consequently, W.M.P.Nos.15142 and 15143 of 2024 are also dismissed.

(D.K.K., ACJ.) (P.B.B., J.)  
05.09.2024

Index : Yes/No  
Neutral Citation : Yes/No

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To

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AND  
P.B.BALAJI,J.

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