



W.P.No.20262 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 11-06-2025

CORAM

THE HONOURABLE MRS JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

WP NO. 20262 of 2025

R. Bhanurekha

W/o.G.A.Nandakumar, Old Door No.7, New Door
No.52, Temple Road, Jawahar Nagar, Peravallur,
Chennai-082.

Petitioner

Vs

1.The Assistant Engineer

The Greater Chennai Corporation, Division 074,
Perambur High Road, Chennai- 12.

2. The Assistant Executive Engineer

Unit- 17, Zone- Vi, Greater Chennai Corporation, No.5, Anderson Road,
Ayanavaram, Chennai-023.

3. The Executive Engineer

Zone- Vi, Greater Chennai Corporation, No.5, Anderson Road, Ayanavaram,
Chennai-023.

4. The Assistant Engineer/ Division 68

Greater Chennai Corporation, Jawahar Nagar, Chennai-082.

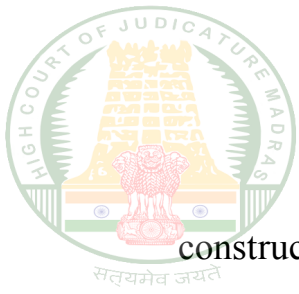
Respondent(s)

Prayer: Writ Petition filed under Article 226 of Indian Constitution to issue a

WRIT OF MANDAMUS directing the Respondents to de-seal the premises

bearing old Door No.7, New Door No.52, Temple Road, Jawahar Nagar,

Peravallur, Chennai to enable the Petitioner to remove the deviated



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construction and to restore the property in accordance with the sanctioned planning permission and in conformity with the Tamil Nadu Combined Development and Building Rules, 2019 within a period of 6 months.

For Petitioner(s): Mr.K.Sivasubramanian

For Respondent(s): Mr. D.B.R. Prabhu
Standing counsel for respondents.

ORDER

(Order of the Court was made by the Hon'ble J.Nisha Banu J.)

This Writ Petition has been filed to issue a writ of mandamus directing the Respondents to de-seal the premises bearing old Door No.7, New Door No.52, Temple Road, Jawahar Nagar, Peravallur, Chennai to enable the Petitioner to remove the deviated construction and to restore the property in accordance with the sanctioned planning permission and in conformity with the Tamil Nadu Combined Development and Building Rules, 2019 within a period of 6 months.

2. It is averred in the writ petition that the petitioner purchased the property bearing Old Door No. 7, New Door No. 52, Temple Road, Jawahar



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Nagar, Peravallur, Chennai – 600 082 under a Sale Deed dated 23.10.1998

and in continuous possession. On 22.09.2023, the Greater Chennai Corporation issued a De-occupation Notice, followed by sealing of the premises on 26.09.2023. The petitioner claims that she was initially unaware of the existence of the approved building plan dated 25.11.1992 and thus could not submit it when demanded by the Respondents. Only recently she located the sanctioned plan and arranged funds to rectify the deviations.

3. The petitioner asserts that she is prepared to remove the deviated construction and requested the respondents to de-seal the property so as to enable her to rectify the same and restore the property as per the planning permission. The petitioner further submits that she approached this court for a direction to the respondents to de-seal the property so that she can restore the property as per the planning permission.

4. Mr.D.B.R.Prabhu, learned Standing counsel appearing for the respondents would submit that building permission has been obtained for the said premises, but the construction was in contravention to the building plan. On 07.06.2021, respondents issued notice calling for approved plan; thereafter



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on 19.07.2021 Lock and Seal and demolition notice was issued since the petitioner produced neither copy of approved plan nor given any reply. The respondents therefore, found that the entire building at the site was treated as an unauthorized one and being carried out without any statutory approval. The Notice further called upon the petitioner to restore the land to its condition before the said construction took place within 30 days from the said notice. The respondents again sent Reminder Letter dated 22.09.2023 directing the petitioner to discontinue the occupation of the premises within 3 days and noticed that further enforcement action will be taken as per rules in force.

5. Heard

6. Taking note of the averments stated in the writ petition and the impugned notice last dated 22.09.2023, we are of the view that ample time has already been given to the petitioner to restore the property as per sanctioned building plan. Since it is stated by the counsel for the petitioner that the premises has been sealed by the respondents and that the petitioner has now arranged for finance and prepared to remove the deviated construction, we direct the respondents to de-seal the building so as to enable the petitioner to carry out the rectification work to restore the property as per the planning



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permission within two weeks from the date of receipt of a copy of this order.

The petitioner is directed to rectify the deviation within a period of four weeks from the date of de-sealing of the building. If the petitioner failed to rectify the building in accordance with the sanctioned planning permission, the respondents are directed to take necessary enforcement action in accordance with law.

7. With the above direction, the Writ Petition is disposed of. No costs.

(J.NISHA BANU J.) (M.JOTHIRAMAN J.)
11-06-2025

nvsri

To

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