



WP.No.23266 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2025

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CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.23266 of 2025

and

W.M.P.No.26132 of 2025

1. S.Sundaram
S/o Santhiyagu

2. Ganesh Rao,
S/o Ragunath Rao

...Petitioners

Vs.

1. The Junior Engineer,
The Greater Chennai Corporation,
No.1, Lake Area, 4th Cross Street,
Nungambakkam,
Chennai - 600 034.

2. The Assistant Executive Engineer,
Unit - 26A, Zone-IX,
Greater Chennai Corporation,
No.1, Lake Area, 4th Cross Street,
Nungambakkam,
Chennai - 600 034.

3. The Executive Engineer,
Zone-IX, Greater Chennai Corporation,
No.1, Lake Area, 4th Cross Street,
Nungambakkam,
Chennai - 600 034.

...Respondents



WP.No.23266 of 202:

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus to direct the respondents to de-seal the premises bearing No.137, Royapettah High Road, Mylapore, Chennai - 600 004 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

For Petitioner : Mr.K.Sivasubramanian

For Respondents : Mr.D.B.R.Prabu, Standing Counsel

ORDER

(The order of the Court was made by J.Nisha Banu,J.)

W.M.P.No.26132 of 2025 seeking to permit the petitioners to file a single writ petition, stands ordered.

2.This Writ Petition has been filed seeking for a direction to the respondents to de-seal the premises bearing No.137, Royapettah High Road, Mylapore, Chennai - 600 004 to enable the petitioners 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.

3. The case of the petitioners is that the 1st petitioner is running an automobile shop in the premises in question, measuring an extent of



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188 sq.ft. on the ground floor and the 2nd petitioner is running a tailor shop measuring an extent of 161 sq.ft. on the ground floor by purchasing the same from one K.S.Bhaskaran. The first floor portion was purchased by one Sanathapathy owner of Sathya Furniture. The said Santhanapathy suggested that the entire building to be demolished and reconstructed. He obtained signatures from the petitioners and also obtained planning permit and building permit from the respondents. Shop Nos.1 and 2 are on the ground floor and Shop No.3 is on the first floor as per the plan. The first floor is yet to be constructed. However, the respondents issued Locking and Sealing and Demolition Notice dated 22.06.2023 stating that there is deviation. According to the petitioners, the said Santhanapathy has given a false representation. The respondents issued De-occupation notice dated 02.02.2024 and the petitioners sent a detailed reply on 13.02.2024. However, without inspecting the property or conducting any enquiry, the respondents have sealed the demised premises on 13.03.2025 and remains sealed till date. According to the petitioners, the deviations if any, are minor in nature and capable of regularization. Therefore, the petitioners are prepared to remove the deviated construction and requested the respondents to de-seal the property and to enable the petitioners to rectify the defects. Hence, the present writ petition.

4. Heard the learned counsel for the petitioners, the learned



Standing counsel appearing for the respondents and perused the materials available on record.

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5. The learned counsel for the petitioners would state that they are ready to bring down the building in accordance with the planning permission.

6. On perusal of the records and on considering the submissions made by the learned counsel for the petitioners, the respondents are directed to de-seal the premises forthwith and the petitioners are directed to remove the deviation in the subject premises within a period of four weeks thereafter. If the building is not brought in consonance with the planning permission within the time stipulated by this Court, the respondents are directed to re-seal the premises. Accordingly, the Writ Petition is disposed of. No costs.

[J.N.B.,J.] [M.J.R.,J.]
26.06.2025

vsi
Speaking order/Non-speaking order
Neutral Citation:Yes/No

To

1. The Junior Engineer,
The Greater Chennai Corporation,
No.1, Lake Area, 4th Cross Street,
Nungambakkam,
Chennai - 600 034.



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2. The Assistant Executive Engineer,
Unit - 26A, Zone-IX,
Greater Chennai Corporation,
No.1, Lake Area, 4th Cross Street,
Nungambakkam,
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3. The Executive Engineer,
Zone-IX, Greater Chennai Corporation,
No.1, Lake Area, 4th Cross Street,
Nungambakkam,
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J.NISHA BANU,J.



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