

D.Jagadish vs the Commissioner

D.Jagadish vs the Commissioner

SooperKanoon Citation : sooperkanoon.com/1800674

Court : Chennai

Decided On : Apr-29-2025

Judge : Honourable Mr Justice S. M. Subramaniam, Honourable Mr. Justice K.Rajasekar

Appeal No. : WP/6020/2024

Appellant : D.Jagadish

Respondent : The Commissioner

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM AND THE
HONOURABLE MR. JUSTICE K.RAJASEKAR W.P.No.6020 of 2024
and WMP.No.6673 of 2024 1.D.Jagadish 2.D.Manshankar
3.D.Srinivasan ... Petitioners Vs.

1. The Commissioner, Greater Chennai Corporation, Chennai - 600 003.

2. The Executive Engineer, Corporation of Chennai, Zone -5, Basin Bridge Road,

3. Assistant Executive Engineer, Unit 12, Perambalu Street,

4. Assistant Engineer,

Division - 09, Kothandaraman Street, Chennai - 600 021. ... Respondents Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of certiorari, calling for the records in impugned Lock and Seal and Demolition Notice issued by 2 to 4 respondents dated 08.02.2024 in proceedings No.05/0825/2024 pasted on the site on 13.02.2024 and 14.02.2024 at New No.15/1, Old No.7/1, Singara garden 7th Street, Old Washermenpet, Chennai - 600 021 and to quash the same. For Petitioners : Mrs.S.Thamizharasi

For Respondents : Mr.D.B.R.Prabhu Standing Counsel

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.) The Lock and Seal and Demolition Notice dated 08.02.2024 issued by the the Greater Chennai Corporation is under challenge in the present writ petition.

2. Mrs.S.Thamizharasi, the learned Counsel appearing on behalf of the petitioners would submit that there is no deviation / violation.

3. However, the Assistant Engineer, Ward-9, Greater Chennai Corporation filed a status report which reveals following deviations / unauthorised constructions:

"6...on scrutinizing the approved plan it was found that the petitioners herein have put up their building by deviating the approved plan. The extent of deviations are as follows:-

Sl.No.	Description	As per approved	As on site	Difference
1	Front Setback	1.50 m	1.42 m	0.08 m
2	Rear Setback	- - -	- - -	- - -
3	Side Setback (South)	1.00 m	1.00 m	- - -
4	Side Setback (North)	1.00 m	1.00 m	- - -
5	Total Area of building	289.47 m ²	300.01 m ²	10.54 m ²
6	Height	- - -	- - -	- - -

9.00 m 9.00 m - 7 Area at Ground 85.17 m² 102.67 m² 17.51 m² Floor 8
Area at 1st floor 98.25 m² 102.67m² 4.42 m² 9 Area at 2nd 98.15 m²
102.67 m² -4.42m² floor 10 No. of Floor G+2 G+2 -

7. ...further enforcement action was taken by issuing a

Lock & Seal and Demolition Notice dated 08.02.2024, since the petitioners have refused to receive in person and also refused to receive the notice sent through registered post, the notice was affixed on the wall of the building in question and photographs were taken"

4. No writ against Lock and Seal notice is entertainable, since the

Town and Country Planning Act contemplates revision before the Government under Section 80-A. An aggrieved person may prefer a revision before the Government for adjudication of issues on merits. High Court cannot decide the disputed issues and the findings of the Government in a revision petition would be of assistance to the High Court to exercise the powers of Judicial Review. Thus, exhausting the Statutory remedy is of paramount importance.

5. In the present case, the Corporation Authorities identified

deviations / unauthorised constructions. That being so, there is no impediment for them to continue the enforcement action. It is for the petitioners to prefer a revision, if they prefers to do so. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed. [S.M.S,J.] [K.R.S,J.] 29.04.2025 veda Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No To

1. The Commissioner, Greater Chennai Corporation, Chennai - 600 003.
2. The Executive Engineer, Corporation of Chennai, Zone -5, Basin Bridge Road,
3. Assistant Executive Engineer, Unit 12, Perambalu Street,

S.M.SUBRAMANIAM,J.

AND

K.RAJASEKAR,J.

veda W.P.No.6020 of 2024 29.04.2025

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com