

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2015

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.11421 of 2014

And

M.P.Nos.1 and 2 of 2014

1.Ramiah Ariya  
2.Shiva Shankar  
3.Sivasubramanian  
4.Ramesh Sreedhar  
5.Ravindran Sankaran

...Petitioners

Vs.

1. State of Tamil Nadu  
Represented by its Secretary to Government  
Housing and Urban Development  
Secretariat,  
Fort St.George, Chennai - 600 009.
2. Chennai Metropolitan Development Authority  
Represented by its Member Secretary  
Gandhi Irwin Road,  
Egmore, Chennai - 600 008.
3. Ramaniyam Real Estates (P) Ltd.,  
Formerly known as Amirtha Lakshmi Realtors Private Limited.
4. The Commissioner  
Corporation of Chennai  
Ripon Building  
Chennai 600 003.

...Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the second and fourth respondent to initiate action in accordance with law to ensure that the structures and construction in the premises situated at Samarpann Apartments, 20<sup>th</sup> / 21<sup>st</sup> East Street, Kamaraj Nagar, Thiruvannamipur,

Chennai 600 041 are in compliance with all statutory and regulatory requirements and thereafter enforce payment of Infrastructure and Amenities charges and grant completion certificate for the said development in accordance with law.

For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.S.Gunasekaran for R1

Government Advocate  
Mr.Rajasrinivas for R2

No Appearance for R3

Mr.Mosier Ganesh Ramachandran  
for R4

### ORDER

Heard both sides.

2.The petitioners are purchasers of flats together with undivided share of land in a apartment complex developed by the third respondent at 20<sup>th</sup>/ 21<sup>st</sup> East Street, Kamaraj Nagar, Thiruvannamiyur, Chennai. The petitioners seek for issuance of Writ of Mandamus to ensure that the structures and construction in the premises are in compliance with all statutory and regulatory requirements and thereafter enforce payment of Infrastructure and Amenities charges and grant completion certificate for the said development in accordance with law.

3.Insofar as the completion certificate which is to be issued by the CMDA, it is seen that the construction put up by the third respondent was not in accordance with the sanctioned plan and in this regard the locking and sealing and demolition notice was issued by the CMDA on 05.11.2013. It is not known as to whether the builder has preferred an appeal against the order of CMDA or any writ petition has been filed challenging the notice. This could not be verified as the third respondent has not entered appearance through counsel inspite of service of notice and their name printed in the cause list.

4.The petitioners/purchasers of the apartments are five in number and they want to ensure that their builder complies with all statutory and regulatory requirements. There is a duty on the part

of CMDA to enforce the rules and ensure that the building is not constructed in deviation of the approved plan. There can be no second opinion on this aspect and the CMDA are bound to act in accordance with their rules and ensure that the construction is in accordance with their rules and regulations.

5.Hence, if there is no other legal impediment from pursuing further on the locking and sealing and demolition notice issued by the CMDA dated 05.11.2013, the CMDA shall take note of the representation of the petitioner submitted on 27.01.2014 and proceed in accordance with law as expeditiously as possible.

6.In the light of the above, this writ petition is disposed of with the above direction and the CMDA shall take appropriate action in this regard as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order. Petitioners are directed to enclose copy of their representation along with copy of this order and forward the same to the CMDA.

7.This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1.Secretary to Government  
Housing and Urban Development  
Secretariat,  
Fort St.George, Chennai - 600 009.
2. Chennai Metropolitan Development Authority  
Represented by its Member Secretary  
Gandhi Irwin Road,  
Egmore, Chennai - 600 008.

3. The Commissioner  
Corporation of Chennai  
Ripon Building  
Chennai 600 003.

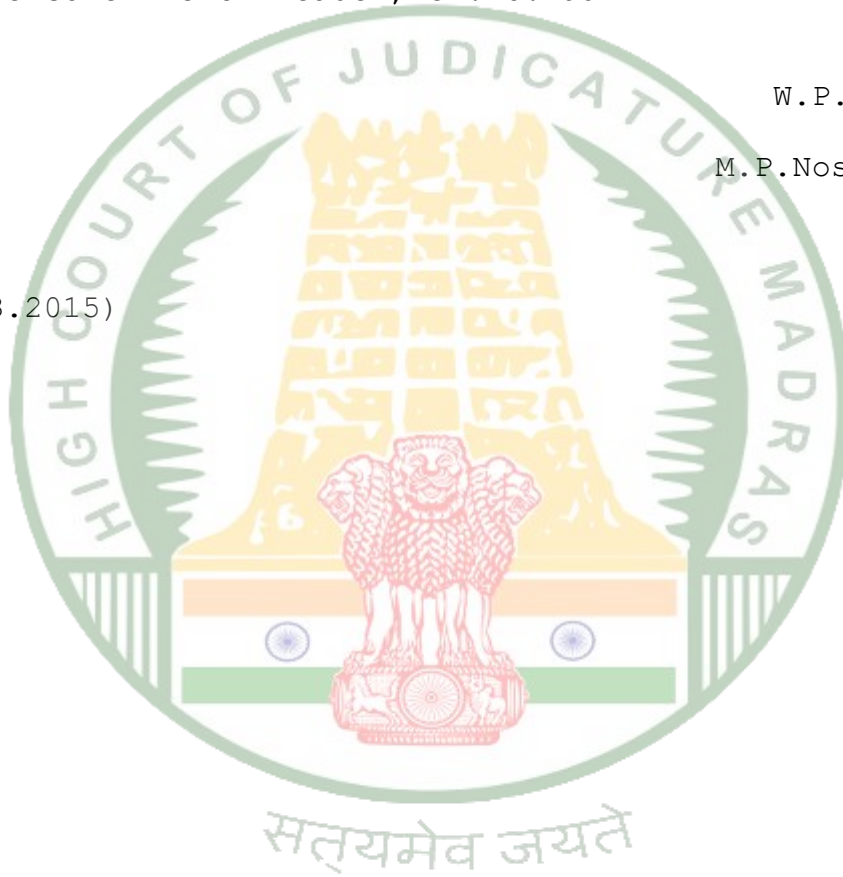
1 CC to Mr.Rajasrinivas, Advocate SR.No. 9875

1 CC to Mr.Sathish Parasaran, Advocate SR.No. 9928

1 CC to the Government Pleader, SR.No. 9977

W.P.No.11421 of 2014  
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GGK (CO)  
PSI (11.03.2015)



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