

IN T HE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2015

CORAM :

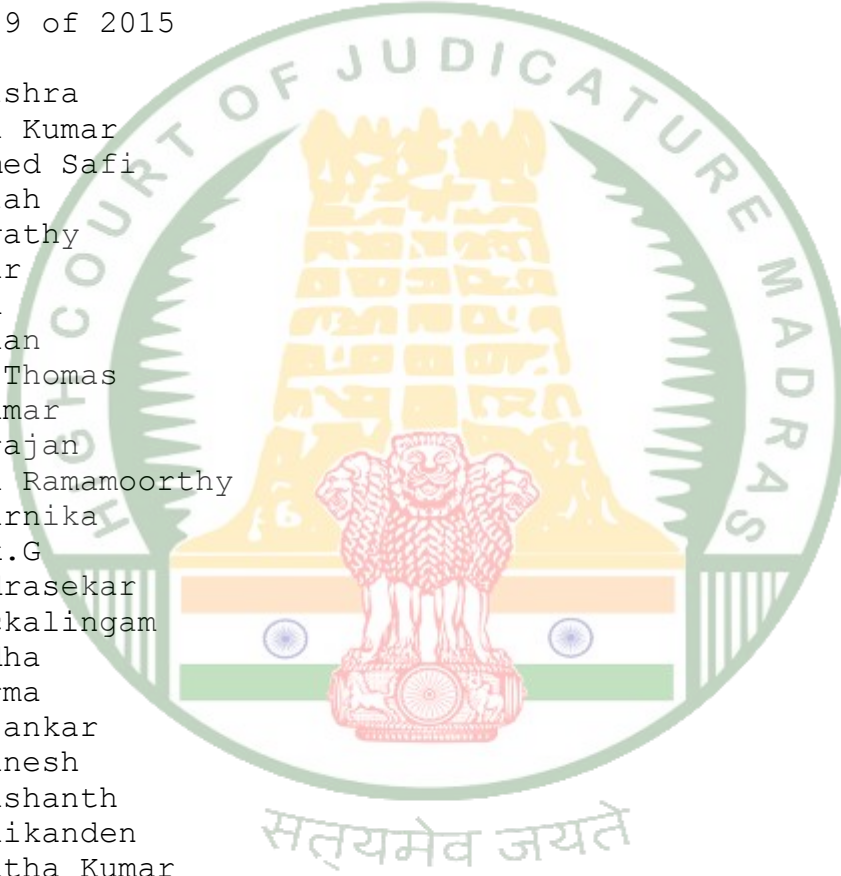
The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P. Nos.6829 and 11813 of 2015

W.P.No.6829 of 2015

- 1.Ratna Mishra
- 2.T.Vijaya Kumar
- 3.S.Mohammed Safi
- 4.M.Subbaiah
- 5.D.Padmavathy
- 6.V.Diwakar
- 7.P.Rajesh
- 8.K.S.Kannan
- 9.Praveen Thomas
- 10.Veerakumar
- 11.P.Natarajan
- 12.Lalitha Ramamoorthy
- 13.R.Sowbarnika
- 14.Karthik.G
- 15.R.Chandrasekar
- 16.K.R.Sockalingam
- 17.Aniruddha
- 18.K.H.Sarma
- 19.T.Ravisankar
- 20.V.Jaiganesh
- 21.L.S.Prashanth
- 22.T.M.Manikanden
- 23.R.Vasantha Kumar
- 24.R.Murali
- 25.P.L.Sreenivasan
- 26.S.Kousalya Devi
- 27.A.Mohamed Yunus
- 28.S.Shanmugam
- 29.V.Balajee
- 30.B.Narendra Kumar
- 31.R.K.Rathinavel



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32.P.Dhivya Lakshmi
33.M.Jayamkondan
34.M.Kamalanathan (Minor)
Rep. by his father & Guardian
A.R. Muthiah
35.M.Sridharan
36.N.Jawahar
37.Muruganandham R
38.Gowri Neelakantan
39.K.Sasidharan
40.R.Gomathinayagam
41.R.Senthil Kumar

...Petitioners

1.J.Guru Raghavendran
2.V.Vidhya Subbaraj
3.K.Syed Firthous Banu
4.Alagusundaram Senthilkumar
5.A.Chandrasekaran
6.K.Subramaniam
7.R.Kannan

...Petitioners in WP.11813/15

-vs-

1. The State of Tamil Nadu,
Rep. By its Secretary,
Housing and Urban Development Dept.,
Secretariat, Chennai.
2. The Chennai Metropolitan Development Authority,
Rep. By its Member Secretary,
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai.
3. The Multi Storied Building (MSB) Panel
Rep. By its Member-Convenor,
The Senior Planner,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai.
4. The Joint Director of Town and Country Planning,
No.807, Anna Salai, Chennai.

5. Moulivakkam Panchayat Union,
Rep. By its President,
No.1, Mangadu Road, Moulivakkam,
Chennai.

6. M/s.Prime Sristi Housing Private Limited,
Rep. By its Managing Director,
D-5, Raj Kamal Apartments,
No.1-A, Dr.Thangaraj Salai,
Vinayajar Nagar, Madurai.

...Respondents in both WPs.

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 to 5 to jointly and severally pay a sum of Rs.17.68 crores (WP.6829/2015) and Rs.2.60 crores (WP.11813/2015) as reimbursement of the amounts already paid by the petitioners to the 6th respondent and pay an additional sum of Rs.17.68 crores and Rs.2.60 crores as compensation/damages to the petitioners for the grave financial loss, mental agony and harassment suffered by the petitioners due to the arbitrary acts of the respondents 1 to 5 in the process of granting planning permission and building permit to the 6th respondent for construction of the apartment complex 'Trust Heights' at the premises bearing Door No.52, comprised in S.F.Nos.17/7A, 7B, 8B3 and 8B4B at Moulivakkam Village, Kundrathur High Road, Chennai Moulivakkam in total violation of statutory provisions leading to the collapse of the apartment block, 'Faith' constructed by the 6th respondent.

For Petitioners in
both WPs.

: Mrs.Nalini Chidambaram, S.C.
For M/s.C.Uma

For Respondents in
both WPs.

: Mr.S.T.S.Murthy,
Govt. Pleader, assisted by
Mr.V.Shanmugha Sundaram, G.A.
For RR 1 and 4
Mr.K.Rajasrinivas for R-2
Mr.Karthikeyan for R-3
Mr.P.Sanjai Gandhi for R-5
Mr.S.Ashok Kumar for R-6

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O R D E R

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

We are not inclined to entertain the writ petitions, as we are of the view that to fix liability on the State Government for officers not complying with their obligation, a trial would have to be conducted. In fact, the relief prayed for is for reimbursement of amounts already paid to the builders of Rs.17.68 crores by the petitioners in W.P.No.6829 of 2015 and of Rs.2.60 crores by the petitioners in W.P.No.11813 of 2015 and an additional sum of Rs.17.68 crores and Rs.2.60 crores respectively as compensation / damages to the petitioners. It would be in the fitness of things that a decision is obtained only after trial.

2.We may also note that the petitioners have already filed claims before the Consumer Forum against the builders and their endeavour to rope in the State Government was not successful before the Consumer Forum on account of jurisdiction of the Consumer Forum.

3.We, thus, dismiss the writ petitions with liberty to the petitioners to avail of the civil remedy in accordance with law. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Govt. of Tamil Nadu,
Housing and Urban Development Dept.,
Secretariat, Chennai.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai.

3. The Member-Convenor,
Multi Storied Building (MSB) Panel,
The Senior Planner,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai.
4. The Joint Director of Town and Country Planning,
No.807, Anna Salai,
Chennai.
5. The President,
Moulivakkam Panchayat Union,
No.1, Mangadu Road, Moulivakkam,
Chennai.

2 CCs to M/s.C.Uma, Advocate SR.No. 54134 & 54135

1 CC to Mr.K.Rajasrinivas, Advocate SR.No. 54173

1 CC to Mr.S.Ashok Kumar, Advocate SR.No. 54841

1 CC to the Government Pleader, SR.No. 54234

W.P.Nos.6829 and 11813 of 2015

EV (CO)
PSI (15.10.2015)

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