

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.7.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.Nos.17057 and 10930 of 2016
and

W.M.P.Nos.14545 and 9519 of 2016

Rohini Apartments Association
Rep. by its Secretary Milin R.Shah
180 Royapettah High Road
Chennai-600 004.

... Petitioner in both WPs

Versus

1. Union of India
Rep. by its Secretary to Government of India
Department of Financial Services
Finance Department New Delhi.
2. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarasan Maaligai Egmore
Chennai-600 008.
3. The Commissioner
Corporation of Chennai Chennai-600 003.
4. The Project Manager
HDFC Bank Ltd.
Prince Kushal Tower
Anna Salai Chennai-600 002.
5. The Chairman
HDFC Bank
HDFC Bank House
Senapathi Bhagat Marg
Lower Parel Mumbai-400 013.
6. Reserve Bank of India
Rajaji Salai Chennai-600 001.
7. Kasinathan ... Respondents in WP 17057/16

(R1 deleted as per Order dated 14.07.2016 in this W.P)

1. The Chairman
HDFC Bank
HDFC Bank House
Senapathi Bhagat Marg
Lower Parel Mumbai-400 013.
 2. Reserve Bank of India
Rajaji Salai Chennai-600 001.
 3. Union of India
Rep by its Secretary to Government of India
Department of Financial Services
Finance Department New Delhi
 4. Kasinathan HUF
 5. The Project Manager
HDFC Bank Ltd
Prince Kushal Tower
Anna Salai Chennai-600 002
 6. The Legal Officer
Chennai Metropolitan Development Authority
Thalamuthu Natarasan Maaligai
Egmore Chennai-600 008 ...Respondents in WP 10930/16
- (R3 deleted as per Order dated 14.07.2016 in this W.P)

Prayer: Writ petition No.17057 of 2016 is filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus Directing the respondents 2 3 4 5 and 7 to remove the offending construction constructed in violation of sanctioned plan and consequently to cease and desist banking operations in premises in the ground floor of Rohini Apartments bearing Door No.180 Royapettah High Road Chennai-600 004 in Survey No.2790, R.S.No.1701/15, C.C.No.891, New R.S.No.1701/15 and 5, Block 36, Mylapore District.

Prayer: Writ petition No.10930 of 2016 is filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents from interfering with petitioner's Association Viz. Rohini Apartments which consists of 12 flats at 180 Royapettah High Road Chennai-600 004 in Survey Nos.2790, R.S. No.1701/15, C.C. No. 891, New R.S.No.1701/15 and 5, Block 36, Mylapore District, measuring a total extent of 1432 square feet situated with the Registration and Sub-Registration District of Mylapore without following the due process of law.

For petitioner in both WPs : Mr.P.Wilson, Senior Counsel for
Mr.K.Parthasarathy
In WP 17057/2016

For R1 : Ms.G.Hema, CGSC
For R2 : Mr.C.Johnson
For R3 : Mr.A.Nagarajan
For RR4 and 5 : Mr.Neelakandan
For R7 : Mr.S.Sivaraman
For R6 : No appearance.

In WP 10930/2016

For R1 & R5 : Mr.Neelakandan
For R3 : G.Hema, CGSC
For R4 : Mr.S.Sivaraman
For R6 : Mr.C.Johnson
For R2 : No appearance

COMMON ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. By virtue of order dated 5.5.2016, the petitioner had obtained a relief of interim injunction against the respondents. Union of India is not a necessary party, as admitted by the petitioner. Therefore, the Union of India is deleted.

3. Learned counsel appearing for the HDFC bank has submitted that the ATM installed not on service area but inside the bank and the second aspect is with regard to UPS facilities said to have been provided for the ATM system as a back up only when there is supply of electricity is stalled for any reason and also rarely they were using the generator and now, it is also stalled by virtue of the interim order.

4. Several grounds have been raised by the petitioner that it is coming in the way of their privacy and their sleep at night gets disturbed due to the usage of the generator for running the ATM machine.

5. These writ petitions are moved by the Apartment owners. Admittedly, the bank was operating much earlier and another bank was also operating in the same area. The complaints made by the petitioner shows that all is not well with the petitioner and they try to get some order at the instance of CMDA and it is

nothing but nice to grind against the bank by making false and frivolous complaints to make it appear that their privacy gets disturbed. The writ petitions are devoid of merits and they are dismissed. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssk.

To

1. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarasan Maaligai Egmore
Chennai-600 008.
2. The Commissioner
Corporation of Chennai
Chennai-600 003.
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6. The Legal Officer
Chennai Metropolitan Development Authority
Thalamuthu Natarasan Maaligai
Egmore Chennai-600 008

+2cc's to Mr.Neelakandan, Advocate, S.R.Nos.39468 & 39469
+2cc's to Mr.C.Johnson, Advocate, S.R.Nos.39617 & 39618
+1cc to Mr.A.Nagarajan, Advocate, S.R.No.39436
+2cc's to Mr.K.Parthasarathy, Advocate, S.R.No.39788

W.P.Nos.17057 and 10930 of 2016

MG(CO)
CA(05/08/2016)