

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.36874 of 2016

VGN Minerva Owner's Welfare Association  
Regd. No.243/2011,  
rep. by its Secretary, Basker Immanuel  
No.273, Guruswamy Roads Nolambur  
Chennai - 600 095. ... Petitioner

Vs

1. The State  
rep. by the Secretary to Government  
Department of Urban and Housing Development  
Fort St. George, Chennai - 600 009.
2. The Chennai Metropolitan Development Authority  
rep. by the Member Secretary  
Thalamuthu Natarajan Building  
No.1, Gandhi Irvin Road  
Egmore, Chennai - 600 008.
3. Chennai Municipal Corporation  
rep. by the Commissioner  
Rippon Buildings  
Poonamallee High Road  
Chennai - 600 003.
4. The Commissioner  
Villivakkam Panchayat Union  
Villivakkam, Chennai.
5. The President  
Nolambur Village Panchayat  
Nolambur.

6. VGN Developers Private Limited  
rep. by the Managing Director  
No.15, Wallace Garden 2<sup>nd</sup> Street  
Nungambakkam  
Chennai - 600 006.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the 2<sup>nd</sup> respondent the Chennai Metropolitan Development Authority to visit the VGN Minerva Gate Community Complex at No.273, Guruswamy Road, Nolambur , Chennai - 600 095 to note down the non providing of pathways as per the approved plan and the deviations or violations and the illegal sales of car parks in the building complex and to take immediate action against the 6<sup>th</sup> respondent company for providing pathway in each block and also rectification of the deviations.

For Petitioner : Mr.P.T.Perumal

For Respondents : Mr.T.N.Rajagopalan  
Special Govt. Pleader  
for 1<sup>st</sup> respondent

Mr.N.Sampath  
for 2<sup>nd</sup> respondent

Mr.A.Nagarajan  
for 3<sup>rd</sup> respondent

Mr.R.Vijayakumar  
for 4<sup>th</sup> respondent

ORDER

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

On hearing the learned counsel for the petitioner, we find that the allegations of the flat owners is of really the non performance by the builder and the violation of the plans by the builder. It is alleged that many more car parkings have been sold than were supposed to be made.

2. We are of view that these are in the nature of inter se disputes where third parties rights are involved and if as the petitioner claims the pathway has to be cleared, all such matters would be capable of determination only in civil

proceedings. The petitioner may have a grievance, but this is not a panacea.

The petition is dismissed with liberty to take appropriate action in accordance with law. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The Secretary to Government  
Department of Urban and Housing Development  
Fort St. George, Chennai - 600 009.
2. The Member Secretary  
Chennai Metropolitan Development Authority  
Thalamuthu Natarajan Building  
No.1, Gandhi Irvin Road  
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3. The Commissioner  
Chennai Municipal Corporation  
Rippon Buildings  
Poonamallee High Road  
Chennai - 600 003.
4. The Commissioner  
Villivakkam Panchayat Union  
Villivakkam, Chennai.

+1cc to Mr.Prumal Associates, Advocate, S.R.No.59724  
+1cc to Mr.N. Sampath, Advocate, S.R.No.60277  
+1 CC to Mr. A. Nagarajan, Advocate Sr.No.60087  
+1cc to the Government Pleader, S.R.No.60140

UG(CO)  
md(1/3/2016)

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