

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2016

CORAM :

The Hon'ble MR.JUSTICE M.M.SUNDRESH
AND
The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.42442 of 2016
and

W.M.P.No.36327 and 36328 of 2016

1.M/s.Sidharth Heights Apartment
Owners Association,
Rep. By its President Sri Raghavan.

2.Dr.J.S.Kumar
3.Vasudevan
4.Rajalakshmi
5.Anandi Subramaniam
6.Jafarullah Khan
7.Jayasree Girish

... Petitioners

-Vs-

1. The Member Secretary,
Chennai Metropolitan Development
Authority, Chennai 600 006.

2. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai 03.

3. M/s.Sidharth Foundation & Housing
Ltd., 124/1 (New No.14),
G.N.Chetty Road, Off Habibulla Road,
T.Nagar, Chennai 600 017.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st respondent to consider the representations dated 09.11.2016 and 15.11.2016 submitted by the 1st petitioner and to prevent the conversion of the common areas into any residential flats or for commercial or other use by the 3rd respondent in violation of the sanctioned plan in Ref.No:NC3/24467/2009 dated 06.02.2002 issued by the 1st respondent.

For Petitioner : Mr.T.Saikrishnan
For Respondents : Mr.N.Sampath for R-1
: Mr.V.C.Selvasekaran for R-2

O R D E R

(Order of the Court was made by M.M.Sundresh, J.)

The first petitioner-association consists of residents of a building complex "Sidharth Heights" situated at No.55, Arcot Road, Saligramam, Chennai-93. The approved plan was obtained from respondent no.1 in Ref.No:NC3/24467/2009 dated 06.02.2002. The construction, according to the petitioners, has been completed in 2004. Now, the grievance of the petitioners appears to be that respondent no.3 is attempting to convert the common area made as per the approved plan by trying to put up construction of residential building. Therefore, the petitioners have given two representations on 09.11.2016 and 15.11.2016 bringing it to the notice of the first respondent for taking appropriate action. As no immediate action is forthcoming, the present writ petition has been filed.

2.Learned counsel appearing for respondent no.1 submits that appropriate action would be taken on the representations of the petitioners by following due process of law.

3.Writ petition is, accordingly, disposed of by directing respondent no.1 to cause an inspection of the site within fifteen (15) days from today and if any violation is found, to pass appropriate orders on the representation of the petitioners dated 15.11.2016 after giving sufficient opportunity to the parties, namely the first petitioner as well as respondent no.3, within a period of two (2) months from the date of inspection. No costs. Consequently, W.M.P.Nos.36327 and 36328 of 2016 stand closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sra

To

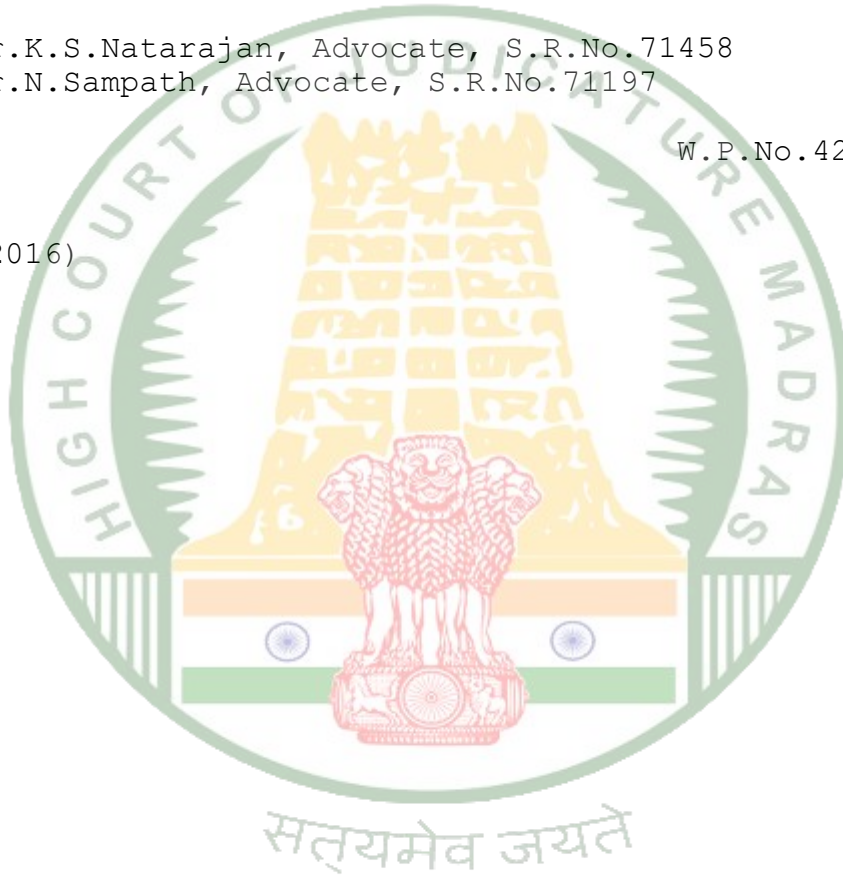
1. The Member Secretary,
Chennai Metropolitan Development
Authority,
Chennai 600 006.
2. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai 03.

+1cc to Mr.K.S.Natarajan, Advocate, S.R.No.71458

+1cc to Mr.N.Sampath, Advocate, S.R.No.71197

W.P.No.42442 of 2016

UG(CO)
CA(20/12/2016)



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