

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

WP.No.29945/2017 & WMP.Nos.32455 & 32456/2017

1.G.Vivekanandan
2.Mrs.Rajam Santhanam
3.Mr.V.S.Elumalai

... Petitioners

vs

1.The Member Secretary
Chennai Metropolitan Development
Authority, Thalamuthu Natarajan
Maaligai, No.1, Gandhhi Irwin Road
Egmore, Chennai 600 008.

2.The Commissioner
Corporation of Chennai
Rippon Buildings, EVR Periyar Salai
Park Town, Chennai 600 003.

3.The Assistant Commissioner
Corporation of Chennai
Zonal Office, No.115, Dr.Muthulakshmi Salai
Adyar, Chennai 600 020.

4.The Zonal Officer
Corporation of Chennai
Zonal Office, No.115, Dr.Muthulakshmi Salai
Adyar, Chennai 600 020.

5.Aarthi Skin Clinic
rep.by its Dr.Aarthi
Vantage Castle Apartments
Old.Nos.11 and 12, New No.17/3,
1st Cross Street, Kasturibai Nagar,
Adyar, Chennai 600 020.

... Respondents

Prayer:- Writ petition filed under Article 226 of the

Constitution of India praying for a writ of mandamus directing the respondents 1 to 4 to take action on the unauthorised/illegal conversion of residential flat No.6, Vantage Castle Apartments, Old.No.11 and 12, New No.17/3, 1st Cross Street, Kasturibai Nagar, Adyar, Chennai 600 020 to commercial clinic [i.e] Aarthi Skin Care and Laser Centre by the 5th respondent within a time frame to be fixed by this Court.

For Petitioners: Mr.T.Karunakaran

For R1 : Mr.A.Kumar

For RR2 to 4 : Mr.K.Soundararajan

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.A.Kumar, learned Standing counsel accepts notice on behalf of the 1st respondent and Mr.K.Soundararajan, learned Standing counsel accepts notice on behalf of the respondents 2 to 4.

2 The petitioners are 3 in number and on behalf of them, the 1st petitioner has sworn to the affidavit filed in support of this writ petition and he would aver that "Vantage Castle Apartments" was built in the year 2000 with the approval of the 1st respondent / CMDA vide Planning Permit No.B2/16648/2000 and building permission from the Corporation of Chennai vide No.CEBA/374/2000, B/SPL.BLD/364[A&B]/2000 and as per the approval, permission was accorded for construction of stilt + 4 floors residential Apartment and also a Departmental Store. The petitioners would further aver that the said Apartment consist of nine residential flats and the grievance expressed by the petitioners is that Flat No.6 in the second floor has been sold in favour of the 5th respondent through a registered Sale Deed bearing Doc.No.2219/2017 dated 28.08.2017 and after effecting purchase, the 5th respondent started doing modification works for the purpose of running a Dermatologist Clinic and the same is causing nuisance to the other residents and in this regard, the petitioners have submitted representations dated 16.10.2017 and 07.11.2017 respectively to the official respondents and despite receipt and acknowledgment, no orders have been passed so far and hence, the petitioners came forward to file the present writ petition.

3 The learned counsel for the petitioners has drawn the

attention of this Court to Regulation No.14 of the Development Regulations for Chennai Metropolitan Area and would submit that as per Sub-Regulation [1][A] of Regulation 13, permissible non-residential activity shall be limited to one in a sub-division, viz., the professional, consulting offices and incidental uses thereto occupying a floor area not exceeding 40 sq.m., and whereas, in utter violation of the said Regulation, the flat in question is having a plinth area of 1740 sq.ft is sought to be converted for commercial / non-residential purpose and despite very many representations submitted, so far no orders have been passed and hence, the petitioners are constrained to approach this Court by filing the present writ petition..

4 The Court heard the submissions of Mr.A.Kumar, learned Standing counsel appearing for the 1st respondent and Mr.K.Soundararajan, learned Standing counsel appearing for the respondents 2 to 4 and also perused the materials placed before it.

5 Though the petitioners have prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, either in their representations or in this writ petition, directs the jurisdictional officer, viz., the 4th respondent and an official of the 1st respondent, after putting the petitioners as well as the 5th respondent on notice, to cause a joint inspection of the Flat in question, Flat No.6, Vantage Castle Apartments, Old.No.11 and 12, New No.17/3, 1st Cross Street, Kasturibai Nagar, Adyar, Chennai 600 020, within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the same, shall initiate appropriate action in accordance with law as expeditiously as possible and communicate the decision taken, to the petitioners as well as to the 5th respondent herein.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

AP

To

1.The Member Secretary
Chennai Metropolitan Development
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Adyar, Chennai 600 020.

+1cc to Mr.A.Kumar, Advocate SR.No.82961

+1cc to Mr.K.Soundarajan, Advocate SR.No.83508

+2cc's to Mr.T.Karunakaran, Advocate SR.No.83010

SV(CO)
GN(13/12/2017)

WP.No.29945/2017

सत्यमेव जयते

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