

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.17617 to 17621,
23078 and 23101 of 2016
and W.M.P.Nos.15238 to 15242,
19767 and 19812 of 2016

AL.SINGARAM SRINIVASAN

... PETITIONER IN W.P.NO.17617 OF 2016

1 MR.KARTHIKEYAN MURUGESAN

... PETITIONER in WP No.17618 of 2016

1 MR.R.S.CHENDILVEL

... PETITIONER in WP No.17619 of 2016

1 MR.N.S.THIRUNARAYAN

... PETITIONER in WP No.17620 of 2016

1 MR.J.KARTHIKEYAN

... PETITIONER in WP No.17621 of 2016

1 MS.SUMITHRA

2 MS.SUCHITHRA

REP. BY THEIR POA MR.N.VIJAYARAGHAVAN FLAT
NO.FOB 4TH FLOOR 13TH BLOCK JAINS PEBBLE
BROOK APRTS. MADHA KOIL ST. OKKIYAMPET
CHENNAI-97.

... PETITIONER in WP No.23078 of 2016

1 MRS.CIJI GONZAGA

2 MR.G.K.SATHISHKANNAN

... PETITIONER in WP No.23101 of 2016

Vs.

1. The Member Secretary,
CMDA, No.1, Gandhi Irwin Salai,
Egmore, Chennai-8.

2. M/s.Jain Housing
rep. by its Partner
Mr.Sandeep Mehta,
No.11, Somasundaram Street,
T.Nagar, Chennai-17.

... Respondents in all WPs

Prayer in W.P.No.17617 to 17621 of 2016 : These Writ petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the first respondent to dispose of the representation dated 11.04.2016 within the time frame as fixed by this Court.

For Petitioner in all : Mr.S.Arunkumar
these writ petitions

For Respondents in : Mr.P.S.Ganesh,
all these writ petitions
Standing Counsel for R1

Mr.T.Gowthaman for R2

C O M M O N O R D E R

These Writ Petitions have been filed by the petitioners seeking a direction to the first respondent to dispose of their representations dated 11.04.2016.

2. The second respondent had obtained the building sanction plan as approved by the first respondent on 22.03.2011 to construct 620 flats on the land measuring 3,26,265.06 sq.ft. The petitioners purchased undivided shares of land to a particular extent of lands out of the said land along with the flats. The OSR area measuring an extent of 3373.27 sq.mt. was gifted by the second respondent in favour of the first respondent, which was registered as document No.1996/2008. The second respondent gifted the very same lands in the year 2013, without the knowledge of the petitioners. Since the attempts of the second respondent may cause FSI violation, the Flat Owners Association sent a representation dated 04.11.2015 in vain. Hence, the petitioners sent representations dated 11.04.2016 to the first respondent, which are yet to be considered by the first respondent. Hence, the petitioners are before this Court with the aforesaid prayer.

3. Heard both sides and perused the materials available on record.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representations dated 11.04.2016, directs the first respondent to consider the petitioners' representations and pass appropriate orders, on merits and in accordance with law, after issuing notice to the

petitioners, the second respondent and the other persons interested in the issue, and after affording them an opportunity of personal hearing, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above directions, these writ petitions are disposed of. No costs. Connected Miscellaneous Petitions are closed.

6. Post these writ petition 'for compliance' on 29.03.2019.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

The Member Secretary,
CMDA, No.1, Gandhi Irwin Salai,
Egmore, Chennai-8.

+7cc to Mr.P.S.Ganesh, Advocate Sr.18088 to 18094

W.P.Nos.17617 to 17621,
23078 and 23101 of 2016

srg 5/3/2019

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