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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 20.12.2021

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.NO.3240 OF 2021
AND
W.M.P.NO.3682 OF 2021

- 1.Union of Tower Association of
Hiranandani Egattur
Hiranandani Complex, Egattur Village
Thalambur Post, Chennai - 600 130.
Represented by its Secretary-M.S.Krishna Kumar
- 2.Oceanic Owners Association
Buckingham Street, Oceanic,
House of Hiranandani
5/63, Rajiv Gandhi Salai, Egattur Village
Thalambur Post, Chennai-600 130.
Represented by its Secretary-Amiya Kanta Chowdhury
...Petitioners

-vs-

- 1.State of Tamil Nadu
Represented by its Secretary
Housing and Urban Development Department
Fort St.George,
Chennai - 600 009.
- 2.Director of Town & Country Planning
807, Anna Salai,
Chennai - 600 002.
- 3.The Member Secretary
Mamallapuram Local Planning Authority
Five Radhas Commercial Complex
Mamallapuram - 603 104.
- 4.The Tamil Nadu Pollution Control Board
Rep. By its Member Secretary,
Anna Salai
Chennai - 600 032.



5. District Environmental Engineer
Tamilnadu Pollution Control Board
First Floor, 950/1, Poonamallee High Road
Arumbakkam, Chennai - 600 106.

6. M/s Hiranandani Realtors Private Limited
No. 5/63, Old Mahabalipuram Road, Egattur Village
Thalambur P.O., Chennai - 600 130. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to restore the premises located at the North Eastern side of Oceanic Tower, House of Hiranandani, 5/63, Rajiv Gandhi Salai, Egattur Village, Thalambur Post, Chennai - 600 130 as per the approved master plan bearing Na.Ka.No.389/2012 dated 11.10.2012 by removing the un-authorised construction in the sewage treatment plant being put up there by the 6th respondent.

For petitioners : Mr. Natan Rajasekaran

For respondents : Mr. K. V. Sajeew Kumar
Special Government Pleader
for RR1 to 3
Mrs. Shanmugavalli Sekar
for RR4 & 5
M/s R&P Partners for R6

ORDER

(Order of the Court was made by K. KALYANASUNDARAM, J.,)

The petitioner has come forward with this writ petition for issuance of writ of mandamus, directing the respondents 1 to 3 to restore the premises located at North Eastern side of Oceanic Tower, House of Hiranandani, 5/63, Rajiv Gandhi Salai, Egattur Village, Thalambur Post, Chennai.

2. The grievance of the petitioner is that the 6th respondent, developer of the apartment complex has un-authorisedly constructed the sewage treatment plant, in violation of the approved master plan, issued by the respondents 1 to 5.

3. The learned counsel for the petitioners would state that during the pendency of the writ petition, the 6th respondent has given an undertaking that if the writ petition is withdrawn, they will decommission and remove the sewage treatment plant.

4. The learned counsel appearing for the 6th respondent has also stated that if the writ petition is withdrawn, the 6th



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respondent will take appropriate action as per the undertaking given in the letter dated 22.10.2021. Letter submitted by the 6th respondent is extracted hereunder:-

"This is reference to the subject matter and based on the request from one of your esteemed owners Mr.Poduwal, of the Oceanic Tower as reference cited above, and subsequent discussions we had with you based on the above request, we HRPL hereby confirm that HRPL and the Oceanic Towers Association have both amicably agreed on the decommission & removal of the proposed STP near Oceanic Tower subject to withdrawal of Writ Petition No.3240/2021 filed by UOTA & Oceanic Owners Association."

5.In the light of the above undertaking and also considering the submissions of the learned counsel on either side, this writ petition is closed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Secretary
State of Tamil Nadu
Housing and Urban Development Department
Fort St.George,
Chennai - 600 009.
- 2.Director of Town & Country Planning
807, Anna Salai,
Chennai - 600 002.
- 3.The Member Secretary
Mamallapuram Local Planning Authority
Five Radhas Commercial Complex
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- 4.The Member Secretary
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5.District Environmental Engineer
Tamilnadu Pollution Control Board
First Floor, 950/1, Poonamallee High Road
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+1cc to Mr.Rohan Rajasekaran, Advocate SR.No.68186

+1cc to M/s.R & P Partners, Advocates SR.No.69085

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GJ(CO)
RVM(25/01/2022)