

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.03.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.7049 of 2021

N.C.Jayakumar

... Petitioner

vs.

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai - 600 008.
 2. M/s Ananyakrishna Constructions Pvt Limited,
Represented by its Managing Director
Mr.Y.Gangadhar
No.1225/1, Panneerselvam Salai,
K.K.Nagar,
Chennai - 600 078.
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 21.12.2020 and consequentially dispose the application for issuance of Completion Certificate vide planning permission issued by CMDA in File No.BC1/14166/16 dated 27.03.2017 in Permission No.B/Spl/Bldg/ 88/2017 for the residential flat building with 8 dwelling units at Block No.H-17, Manthope Colony, 8th Avenue, Ashok Nagar, Chennai - 600 083, comprised in Town Survey No.3/10, Block No.48, Kodambakkam Village, Chennai District.

For Petitioner ... Mr.S.Senthilnathan
For Respondents ... Mr.Tamilmani
Standing Counsel for R1

O R D E R

Mr.Tamilmani, learned Standing Counsel takes notice for the 1st respondent. Since this writ petition is being disposed of without affecting the interest of the 2nd respondent, notice to the 2nd respondent is dispensed with.

2. This writ petition is filed to issue a Writ of Mandamus directing the 1st respondent to consider the representation of

the petitioner dated 21.12.2020 and consequentially dispose the application for issuance of Completion Certificate vide planning permission issued by CMDA in File No.BC1/14166/16 dated 27.03.2017 in Permission No.B/Spl/Bldg/88/2017 for the residential flat building with 8 dwelling units at Block No.H-17, Manthope Colony, 8th Avenue, Ashok Nagar, Chennai - 600 083, comprised in Town Survey No.3/10, Block No.48, Kodambakkam Village, Chennai District.

3. The petitioner is an allottee of a Housing Board flat in Flat No.17, HIG Flats, Manthope Colony, 8th Avenue, Ashok Nagar, Chennai - 600 083. The petitioner and other flat owners entered into Joint Venture agreement for demolition and reconstruction of new flats thereon, for which, they engaged the service of a private builder, 2nd respondent herein. Accordingly, six flats were demolished in the month of November, 2016 after obtaining due permission from the 1st respondent. Though the construction of new flats were completed by the 2nd respondent and application for issuance of completion certification was made on 30.08.2018, the 1st respondent, CMDA is not issuing the Completion Certificate. The 1st respondent is delaying the matter for more than two years, though several reminders have been made. Hence, the present writ petition is filed.

4. This Court, without expressing any view on the merits of the claim made by the petitioner, directs the 1st respondent to pass orders on the representation of the petitioner dated 21.12.2020, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vsi

To

The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai - 600 008.

+1CC to Mr.S.Senthilnathan, Advocate, SR.No.17260.

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SKY(CO)
CSR 09.04.2021