



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM:

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

W.P.NO.21779 OF 2021

Shyams Apartments Owners' Association,
Rep. by its Secretary M.Ganesan,
Old No.10, New No.11,
Sriramapuram 2nd Street,
Choolaimedu,
Chennai - 600 094.

... Petitioner

.Vs.

1. The Member Secretary,
The Chennai Metropolitan
Development Authority (CMDA),
Thalamuthu-Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
No.1131, EVR Periyar Salai,
Chennai - 600 003.
3. The Zonal Officer, Zone - IX,
Greater Chennai Corporation,
No.4, 4th Cross Street,
Lakeview Road, Chennai - 600 034.
4. The Deputy Commissioner of Commercial -
Taxes - Zone IV, Chennai
PAPJM Building, Greams Road,
Chennai - 600 006.
5. The Assistant Engineer,
O & M/Kodambakkam,
CEDC/South 1,
No.47, Sivankovil Street,
Kodambakkam, Chennai - 600 024.



6. The Inspector of Police,
F-5, Choolaimedu Police Station,
Choolaimedu, Chennai - 600 094.

7. Anand chandrakumar
Flat No.6, Shyams Apartments,
Old No.10, New No.11,
Sriramapuram 2nd street,
Choolaimedu, Chennai - 600 094.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing respondents 1 to 6 to take necessary action against the conversion of residential flat to a commercial flat within a time frame fixed by this Court and also to not entertain any application from the 7th respondent so as to allow commercial activity in Flat No.6, Shyams Apartments, at Old No.10, New No.11, Sriramapuram 2nd street, Choolaimedu, Chennai - 600 094.

For petitioner : Mr.T.K.S.Gandhi

For respondents : Mrs.C.Sumathy Sreekanth
Standing Counsel (for R1)

Mr.K.Raja Shrinivas
Senior Standing Counsel
(for R2 & R3)

Mr.L.S.M.Hasan Fizal
Additional Government Pleader
(for R4 & R6)

Mr.L.Jai Venkatesh
Standing Counsel (for R5)

M/s.Lenin & Bhagya (for R7)

ORDER

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

We have heard Mr.T.K.S.Gandhi, learned counsel for the petitioner, Mrs.C.Sumathy Sreekanth, learned Standing Counsel appearing for the first respondent, Mr.K.Raja Shrinivas, learned Senior Standing Counsel appearing for the respondents 2 and 3, Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader



appearing for the respondents 4 and 6, Mr.L.Jai Venkatesh, learned Standing Counsel appearing for the fifth respondent and the learned counsel representing M/s.Lenin & Bhagya for the 7th respondent.

WEB COPY

2. This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct respondents 1 to 6 to take necessary action against the conversion of residential flat to a commercial flat within a time frame fixed by this Court and also not to entertain any application from the 7th respondent so as to allow commercial activity in Flat No.6, Shyams Apartments, at Old No.10, New No.11, Sriramapuram 2nd street, Choolaimedu, Chennai.

3. This writ petition is filed by the Flat Owners Association and their grievance is that the 7th respondent, who is the owner of a residential flat being Flat No.6, Shyams Apartments, but now he is using the same for the commercial purposes. Though complaints were given to the official respondents, however, no action was taken.

4. The learned Standing Counsel appearing for the fifth respondent/CEDC would state that though the 7th respondent was originally provided with commercial service connection, then it was converted into as residential.

5. The learned Standing Counsel appearing for the first respondent Mr.C.Sumathi Sreekanth would state that the first respondent has received representation of the petitioner Association and in this regard, appropriate action will be taken within a period of 30 days.

6. Recording the said submission of the learned Standing Counsel appearing for the first respondent, this Writ Petition is closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

skn



To

1. The Member Secretary,
The Chennai Metropolitan
Development Authority (CMDA),
Thalamuthu-Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
No.1131, EVR Periyar Salai,
Chennai - 600 003.
3. The Zonal Officer, Zone - IX,
Greater Chennai Corporation,
No.4, 4th Cross Street,
Lakeview Road, Chennai - 600 034.
4. The Deputy Commissioner of Commercial -
Taxes - Zone IV, Chennai
PAPJM Building, Greams Road,
Chennai - 600 006.
5. The Assistant Engineer,
O & M/Kodambakkam,
CEDC/South 1
No.47, Sivankovil Street,
Kodambakkam,
Chennai - 600 024.
6. The Inspector of Police,
F-5, Choolaimedu Police Station,
Choolaimedu,
Chennai - 600 094.

+1cc to M/s.Lenin & Bhagya, Advocate, S.R.No.60993

+1cc to the Government Pleader, S.R.No.61564

W.P.NO.21779 OF 2021

RLD(CO)
PBS/19/01/2022