



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA
and
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P. No.12687 of 2020

Olympia Grande Apartment Owners'
Welfare Association,
Rep., by its Secretary S.Chandrasekar,
No.328, GST Road, Pallavaram,
Chennai-600 043.

... Petitioner

-vs-

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan House,
No.01, Gandhi Irwin Road,
Egmore, Chennai-600 008.
- 2.M/s.Khivraj Tech Park Private Limited,
Represented by it GPA A.Lakshmi Narayanan,
Registered Office at No.1 SIDCO Industrial Estate,
Guindy, Chennai-600 032.
- 3.The Registrar of Societies-cum-District
Registrar(Administration),
Chennai South, Chennai-600 032.
- 4.M/s Olympia Tech Park (Chennai)
Private Limited,
Rep., by its Authorized Agent A.Lakshmi Narayanan,
Having registered Office at
No.1 SIDCO Industrial Estate,
Guindy, Chennai-600 032.
- 5.R.Senthil Kumar
- 6.The Managing Director,
OYO Town House,
No.328, GST Road, Pallavaram
Chennai-600 043.



7. The District Environmental Engineer,
The Tamil Nadu Pollution Control Board,
Maraimalai Adigalar Street, M.M.Nagar,
Kancheepuram-603 209.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the first respondent to take action against the 4th and 5th respondents for their illegal and unauthorized constructions based on the petitioner's representation dated 05.08.2020, and direct the 1st respondent to remove the unauthorized constructions in the premise situated at No.328, GST Road, Pallavaram, Chennai-600 043 being carried out by the 4th and 5th respondents and to restore the building in accordance to the approved Plan/revised permit dated 09.08.2017.

For Petitioner : Mr.M.Nalla Thambi

For Respondents: Ms.P.Veena Suresh for R1
Ms.AL.Ganthimathi for R2 & R4
Mr.K.V.Sajeevkumar,
Special Government Pleader for R3
Mr.R.Mohan for R5
Ms.Aparajitha Vishwanath for R6

ORDER

(Order of the Court was made by T.RAJA, J.)

Seeking a direction to the first respondent to take action against respondents 4 and 5 for their illegal and unauthorized constructions based on the petitioner's representation dated 05.08.2020 and for a consequential direction to the first respondent to remove the unauthorized constructions in the premises situated at No.328, GST Road, Pallavaram, Chennai-600 043 being carried out by respondents 4 and 5 and to restore the building in accordance with the approved Plan/revised permit dated 09.08.2017, the present writ petition has been filed.

2. When the matter was taken up for hearing, Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the third respondent produced the order of the Additional Secretary (Technical) dated 24.05.2022 and submitted that the Government, after careful consideration, directed the Chennai Metropolitan Development Authority to de-seal the subject building and also directed the petitioners therein viz., respondents 4 and 5 herein either to restore the building as per the approved plan



or to obtain the revised planning permission as per the Tamil Nadu Combined Development and Building Rules, 2019 within three months from the date of receipt of the order and in the event of failure, directed the Chennai Metropolitan Development Authority to pursue necessary enforcement action as per the provisions of the Tamil Nadu Town and Country Planning Act, 1971.

3. Learned Special Government Pleader also stated that the only grievance made before the competent authority is that a ramp was put up unauthorisedly and it has also been removed.

4. Since the Chennai Metropolitan Development Authority has been directed to de-seal the subject property with additional direction to respondents 4 and 5 restore the building as per the approved plan or to obtain the revised planning permission as per the Tamil Nadu Combined Development and Building Rules, 2019 within three months from the date of receipt of the order, it is open to respondents 4 and 5 to approach the concerned authority to obtain revised planning permission as per the Rules.

5. In view of the above, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan House,
No.01, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.The Registrar of Societies-cum-District
Registrar(Administration),
Chennai South, Chennai-600 032.

3.The District Environmental Engineer,
The Tamil Nadu Pollution Control Board,
Maraimalai Adigalar Street, M.M.Nagar,
Kancheepuram-603 209.



+2cc to Ms.Aparajitha Vishwanath, Advocate, S.R.No.35240
+1cc to Mr.R.Mohan, Advocate, S.R.No.34940
+1cc to Ms.P.Veena Suresh, Advocate, S.R.No.35489
+1cc to Mr.M.Nalla Thambi, Advocate, S.R.No.35795
+1cc to Ms.AL.Ganthimathi, Advocate, S.R.No.35306
+1cc to the Government Pleader, S.R.No.36190

W.P.No.12687 of 2020

GPL (CO)
CT/01/07/2022