



W.P.No.175 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

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- 1.A.Kishore
- 2.P.G.Raghuraman
- 3.Mrs.N.Vijayalakshmi
- 4.R.Vasanthakumari
- 5.R.Jude Vivin Richard
- 6.A.Thomas
- 7.Mrs.S.Lakshmi
- 8.Mrs.S.Gayathri

... Petitioners

-Vs-

1. The Secretary to Government
Municipal and Water Supply Department
Secretariat
Fort Saint George
Chennai.
2. The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai- 600 003.
3. The Rohini Gardens Welfare Association
Rep by its Secretary
Rohini Gardens
Raja Annamalaipuram
Chennai- 600 028.



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4.C.M.Thulasidas

5.A.Panneerselvam

6.D.Krishnamurthi

7.S.Jeyalakshmi

8.P.V.Raja Bhoopathy Pandian

9.A.Kothandaraman

10.Srinivasa Rao Edara

11.Mrs.M.S.Apithakuchambal

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the 2nd respondent Greater Chennai Corporation to order demolition of the apartment complexes at Rohini Gardens, Raja Annamalaipuram on the ground that the same is unsafe for residents as well as the general Public and to facilitate the redevelopment.

For Petitioners Mr.Kolandaivelu

For Respondents Mr.A.M.Ayyathurai
Government Advocate
for R1

Mr.Kandan Doraisamy
for R3

Mr.M.T.Arunan
for R4, R5, R6, R7, R8 and R10



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ORDER

This writ petition was filed by the owner of a Flat in the apartment complex named as Rohini Gardens at Raja Annamalaipuram, Chennai, seeking for a direction to the second respondent to order for the demolition of the apartment complex on the ground that it has become dilapidated unsafe for human habitation.

2. During the pendency of this writ petition, the second respondent viz., the Commissioner of Chennai Corporation has initiated proceedings for demolition of the building and notice has been issued u/s 258 of the Chennai City Municipal Corporation Act, 1919. In view of the same, the grievance expressed by the petitioner has been satisfied by the second respondent.

3. Mr. Kandan Duraisamy, learned counsel appearing on behalf of the third respondent, who is the Secretary of the Rohini Gardens Welfare Association, pointed out to the amendment that was brought into the Tamil Nadu Apartment Ownership Act, 2022, Section 13 provides as follows:

13. Notwithstanding anything contained in this Act, re-development of a project may be carried out on such terms and conditions, as may be prescribed,-

(a) with the consent of not less than two-thirds of the apartment owners of the project; or

(b) if the appropriate authority has certified that the building is in ruinous condition, or in a such a state that it may endanger the lives of the occupants or any other person.



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4.It is left open to the Association to act in terms of the above provision de hors the action that is proposed to be taken by the Chennai Corporation.

5.This writ petition is disposed of accordingly. No costs.

24.04.2023

KP

Internet : Yes/No

Index : Yes/No

Speaking Order:Yes/No

Neutral Citation :Yes/No



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WEB COPY

To

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N.ANAND VENKATESH, J.



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