



W.P.Nos.4127, 4130, 4131 & 4134 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.Nos.4127, 4130, 4131 & 4134 of 2023

S.Velayutham

.. Petitioner
(in W.P.No.4127 of 2023)

V.S.Krishna Kumar

.. Petitioner
(in W.P.No.4130 of 2023)

B.Surendiran

.. Petitioner
(in W.P.No.4131 of 2023)

P.R.Ravinder

.. Petitioner
(in W.P.No.4134 of 2023)

Vs.

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon building,
Chennai – 600 003.
- 2.The Executive Engineer (ZONE-6),
Greater Chennai Corporation,
Agaram, Chennai – 600 082.
- 3.Assistant Executive Engineer (ZONE-6),
Greater Chennai Corporation,
Agaram, Chennai – 600 082.



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4.Sridevi

5.Om Sri Sai Builders,
Represented by its partners,
L.Murugan and V.D.Suresh Babu,
No:45, Netaji Nagar, Villuvaakam,
Chennai – 600 049.

.. Respondents
(in all W.Ps)

Prayer in W.P.No.4127 of 2023: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st Respondent to consider the representation dated 15.12.2022 of the petitioner and to issue suitable instructions to the 2nd and 3rd Respondents to receive the regularization application of the Petitioner without insisting for the signature of the 4th Respondent.

Prayer in W.P.Nos.4130, 4131 & 4134 of 2023: Writ Petitions are filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 1st Respondent to consider the representations dated 10.12.2022 of the petitioners and to issue suitable instructions to the 2nd and 3rd Respondents to receive the regularization application of the Petitioners without insisting for the signature of the 4th Respondent.

(In all the cases):

For Petitioners : Mr.Adinarayana Rao

For RR 1 to 3 : Mr.D.B.R.Prabhu
Standing Counsel



after verifying the documents, agreed to purchase the flats constructed by the respondents 4 & 5. The petitioners borrowed loan from Banks and LIC Housing Finance Limited and paid entire sale consideration including the registration charges to the respondents 4 & 5. As per the approved plan, the ground floor is only a car parking area. While so, the 4th respondent constructed a flat in the car parking area unauthorizedly. The 4th respondent refused to demolish the unauthorized construction. When the petitioners gave a complaint to the respondents 2 & 3, the 4th respondent gave a complaint stating that the entire construction in 1st and 2nd floors is in deviation from the approved plan. In view of the said complaint, the respondents 2 & 3 issued lock and seal notice to the petitioners. The petitioners filed appeal before the Government. The Government by the order dated 15.06.2022, directed the petitioners and 4th respondent either to restore the building as per the approved plan or obtain revised planning permission as per the rules within three months time. When the petitioners submitted revised plan, the 3rd respondent refused to receive the same and is insisting on getting No Objection Certificate from the 4th respondent due to the collusion with 4th respondent. The petitioners gave representations dated 15.12.2022 and 10.12.2022 to the 1st respondent for a direction to the respondents 2 & 3



to receive the regularization application. The said application was not considered and hence, the petitioners have come out with the present Writ Petitions.

5.The learned Standing Counsel appearing for the respondents 1 to 3 submitted that there is no collusion between the respondents 2 & 3 with the 4th respondent and the respondents 2 & 3 will act on the application as per the orders passed by this Court.

6.Heard the learned counsel appearing for the petitioners as well as the learned Standing Counsel appearing for respondents 1 to 3 and perused the entire materials on record.

7.From the above materials, it is seen that the petitioners purchased flats in the 1st and 2nd floor after paying the entire cost and they became owners of their respective flats. When it had been found that there are some deviations from the approved plan, on the appeal filed by the petitioners, the Government by the order dated 15.06.2022 directed the petitioners and 4th respondent either to restore the building as per the approved plan or to obtain the revised planning permission as per the



Rules in force within three months. According to learned counsel appearing for the petitioners, the 3rd respondent is not receiving the application filed by the petitioners in collusion with the 4th respondent. When it was found that there are some deviations from the approved plan, the Government directed the petitioners and 4th respondent either to restore the building as per the approved plan or to obtain the revised planning permission as per the Rules in force. The petitioners being the owners of their respective flats, have the right to submit a revised plan for rectification, if there is any deviation from the approved plan. The 4th respondent having sold the flats to the petitioners, has no right in submitting the revised plan by the petitioners. In view of the same, the 1st respondent is directed to consider the representation of the petitioners and direct the respondents 2 and 3 to receive the revised plan submitted by the petitioners without insisting on getting No Objection Certificate from the 4th respondent and also take steps if the 4th respondent has not filed any revised plan as per the order of the Government. The respondents 1 to 3 are directed to take appropriate action to restore the building as per the approved plan.



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8. With the above directions, all the Writ Petitions are disposed of.

No costs.

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(V.M.V., J) (R.H., J)
13.02.2023

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Index : Yes / No

Internet : Yes / No

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