



WEB COPY



W.P.No.9304 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.9304 of 2023
and W.M.P.No.9416 of 2023

M/s. Casa Feliz Apartment Owners
Association
Dhanalakshmi Nagar
Represented by its President
Antony Eden Prabu
Maangadu Main Road
Moulivakkam, Chennai-600 125.

.. Petitioner

Vs.

1. The Chennai Metropolitan Development
Authority
Thalamuthu Natarajan Maligai
No.1, Gandhi Irwin Road
Egmore, Chennai-600 008.

2. The Municipal Commissioner
Kundrathur Panchayat Union – Padappai
Shanmuga nagar
Padappai, Pin:60301.

3. The Assistant Engineer
Tamil Nadu Electricity Board
O&N/Pananiputhur
No.1/51, Kakilai Pettai
Iyyappanthangal, Chennai-600 122.



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4.The President
Moulivakkam Panchayat
Maangadu Road
Sri Ranga Nagar
Govindaraj Nagar
Moulivakkam, Chennai-600 116.

5. Shivraj

6. S.Shivashankar .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the official respondents 1 to 4 to restore the building called “Casa Feliz Apartment” situate at Dhanalakshmi Nagar Maangadu Main Road, Moulivakkam, Chennai-600 125 by locking and sealing the illegal constructions put up by the private respondents 5 & 6 in ground floor Blocks F & G and demolish the said portions, if necessary and bring the build back to its original status as per the approved plan granted by the 1st respondent.

For Petitioner : Ms. Dakshayani Reddy, Senior Counsel
for Ms.Suneetha

For R1 : Mr.R.Sivakumar
Standing Counsel

For R2 & R4 : Mr.K.Tippusulthan
Government Advocate

For R3 : Mr.L.Jaivenkatesh
Standing Counsel



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ORDER

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(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioner has come out with the present Writ Petition for a direction to the respondents 1 to 4 to restore the building called “Casa Feliz Apartment” situated at Dhanalakshmi Nagar Maangadu Main Road, Moulivakkam, Chennai-600125 by locking and sealing the illegal constructions put up by the respondents 5 & 6 in ground floor Blocks F & G and demolish the said portions, if necessary and bring the building back to its original status as per the approved plan granted by the 1st respondent.

2. By consent of both the learned Senior Counsel appearing for the petitioner as well as Mr.R.Sivakumar, learned Standing Counsel, who takes notice for the 1st respondent, Mr.K.Tippusulthan, learned Government Advocate, who takes notice for the respondents 2 & 4 and Mr.L.Jaivenkatesh, learned Standing Counsel, who takes notice for the 3rd respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.



3. Heard the learned Senior Counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondents 1 & 3 and learned Government Advocate appearing for the respondents 2 & 4 and perused the entire materials on record.

4. The grievance of the petitioner is that respondents 5 & 6 constructed two apartments in Block F measuring 800 sq.ft. and Block G measuring 500 sq.ft. in the ground floor deviating from the approved plan and sold to their relatives. Due to the same, the members of the petitioner association are deprived of car parking in the apartment. Hence, the petitioner association sent a representation dated 16.04.2022 to the respondents 1 to 4 to demolish the unauthorised portions. Since no action has been taken by the respondents 1 to 4, the petitioner has come out with the present Writ Petition for the above stated relief.

5. Considering the nature of relief sought for in the Writ Petition, without deciding the issue on merits, the respondents 1 & 2 are directed to inspect the property after issuing notice to the petitioner association, the respondents 5 & 6, occupants and owners of the apartment in Block F and G within a period of two weeks from the date of receipt of a copy of



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this order. If there is any deviation from the approved plan, the respondents 1 & 2 are directed to take appropriate action for demolishing the unauthorised construction/deviated construction from the approved plan within a period of four weeks thereafter and file a status report.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Post this matter **“For reporting compliance”** in the First week of June 2023.

(V.M.V., J) (V.L.N., J)
27.03.2023

Index : Yes / No
Neutral Citation : Yes / No

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To

1. The Chennai Metropolitan Development
Authority
Thalamuthu Natarajan Maligai
No.1, Gandhi Irwin Road
Egmore, Chennai-600 008.



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and
V.LAKSHMINARAYANAN,J.**

Kj

2. The Municipal Commissioner
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