



W.P.No.11165 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11165 of 2023

Alsa Gardens Owners Association,
Rep. by its Secretary Mr.Porus Confectioner,
Old No.72, New No.58, Harrington Road,
Chetpet, Chennai 600 031

...Petitioner

Vs

1. Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003.
2. Assistant Commissioner,
Zone VIII,
Corporation of Chennai,
Pulla Avenue, Shenoy Nagar,
Chennai 600 030

...Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 20.01.2023 seeking for permission to use the swimming pool situated within the gated community "Alsa Gardens" at Gilchrist



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Avenue, Harrington Road, Chetpet, Chennai 600 031 as per Rule 9 of the Tamil Nadu Urban Local Bodies (Regulation and Monitoring of swimming pools) Rules, 2015 within at time frame fixed by this Court.

For Petitioner : Mr.S.Thiruvengadam
For Respondents : M/s.P.T.Ramadevi
Standing counsel

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to consider the representation made by the petitioner on 20.01.2023 wherein the petitioner association is seeking for permission to use the swimming pool situated within the gated community.

2. The case of the petitioner is that the gated community which was constructed in the year 1988 used to have a swimming pool. On the coming into force of the Tamil Nadu Urban Local Bodies (Regulation and Monitoring of Swimming Pools), Rules, 2015, the existing swimming pool was modified to meet the requirements as per the guidelines give in the Rules.



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Pursuant to the same, the petitioner made an application on 10.04.2019 to the 1st respondent along with all the necessary particulars and sought for permission to use the swimming pool. The grievance of the petitioner is that the 1st respondent did not act upon the application and various representations made by the petitioner also did not yield any response and left with no other alternative, the present writ petition has been filed before this Court seeking for appropriate relief.

3. Heard Mr.S.Thiruvengadam, learned counsel for the petitioner and Mr.P.T.Ramadevi, learned Standing counsel appearing on behalf of respondents.

4. In the considered view of this Court, the application was submitted by the petitioner as early as in the year 2019 after complying with the requirements under the relevant rules. The swimming pool has not been operational for the last nearly four years and the respondents have not dealt



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with the application given by the petitioner. The learned Standing counsel appearing on behalf of the respondent corporation submitted that the application given by the petitioner will be dealt with in accordance with law.

5. The writ petition is disposed of with a direction to the respondents to immediately act upon the application submitted by the petitioner on 10.4.2019 and pass necessary orders granting permission within a period of four weeks from the date of receipt of a copy of this order.

6. The petitioner is directed to make a fresh representation to the respondent along with relevant documents and also a copy of this order. No costs.

11.04.2023

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Note : Issue order copy on 13.04.2023



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N.ANAND VENKATESH,J.,

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To

1. Commissioner,
Corporation of Chennai,
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Chennai - 600 003.
2. Assistant Commissioner,
Zone VIII,
Corporation of Chennai,
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