



W.P.No.13686 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.13686 of 2023

D.Samuel Surendran

.... Petitioner

VS

1. The Secretary to Government,
Government of Tamilnadu,
Housing and Urban Development,
Secretariat,
Chennai - 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Gandhi Irwin Road,
Chennai - 600 008.
3. The Commissioner,
Greater Chennai Corporation,
Ripon Building, 1st Floor,
Raja Muthiah Road, Kannappar Thidal,
Periyamet, Chennai,
Tamilnadu - 600 003.
4. Chinta Srinivasan
5. I.K.Rajeswari



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WEB CODE 6. D.Premkumar

7. Premkumar Rajasekaran

8. Rhenius Vijayakumar

9. V.ganapathykumar

10. Jacob Thankamony

11. Karthik Balakrishnan

12. Trupti Sarangi

13. C.R.Drarakanath

14. K.Ravi Kannan

15. P.Raghuraman

16. A.Ramesh

17. V.Mythili

18. R.S.Gunasekaran

19. P.Gandhi

20. P.Gowtham

21. Chinta Bhavani Shankar

22. M.Madhusudhan

23. M.Sathish Kumar

24. S.Saye Balasubramaniam



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25. M/s. Vasavi Builders,
Plot No.205, Door No.1, 8th Street,
Malleswari Nagar, Selaiyur,
Chennai - 600 073.

26. Perananda Perumal
S/o Govindarajan REddiayar

27. G.Lokesh,
S/o J.Govindarajan Reddiayar
(R26 & R27 impleaded vide order
dated 22.08.2023 by JNBJ & NMJ
in WMP.No.20823/2023)

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 3 to initiate action under Tamil Nadu Town and Country Planning Act, 1905 and the Chennai City Municipal Corporation Act, 1919 by immediately acting in furtherance to the lock and seal notice No.05/2016/Dn.200 dated 19.01.2017 and demolish the unauthorised construction of the building.

For Petitioner : Mr.Dhanaram Ramachandran

For Respondents : Mrs.Maithreye Chandru,
Special Government Pleader for R1
Mr.R.Sivakumar,
Standing Counsel for R2
Mr.D.B.R.Prabhu
Standing Counsel for R3
Mr.G.Gauthamram Vital
For R4 to R9, R11 & R12, R14 to R17,
R19 to R21 and R23
No appearance for R10, R13,R18,
R22 & R24
R25-batta not filed
Mr.N.Umapathi for R26 & R27



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ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

This Writ Petition has been filed to issue a Writ of Mandamus to direct the respondents 1 to 3 to initiate action under Tamil Nadu Town and Country Planning Act, 1905 and the Chennai City Municipal Corporation Act, 1919 by immediately acting in furtherance to the lock and seal notice No.05/2016/Dn.200 dated 19.01.2017 and demolish the unauthorised construction of the building.

2. Today, when the matter is taken up for hearing, the learned Standing Counsel appearing for the Chennai Corporation/3rd respondent would state that the building in question is now under lock and seal and to settle scores between the parties, they have to approach the appropriate Forum.

3. It is also brought to the notice of this Court that connected proceedings is pending before the National Company Law Tribunal, Chennai in I.A.No.72 of 2022 in C.P.No.568/IB/2017 filed by the Resolution Professional of one M/s. Vasavi Housing Infrastructure Limited.

4. The prayer in the said I.A.No.72/2022, is to direct the 1st respondent (Samuel Surendran)/ petitioner herein to contribute funds for completing the construction of the unfinished apartments and also to compensate the home buyers for the inordinate delay in completion of the



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construction and for other reliefs.

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5. In the said I.A., it has been stated that though M/s. Vasavi Builders /25th respondent herein is a partnership firm, most of the financial transactions of Vasavi Builders with that of the Home Buyers were exercised in the Account of M/s.Vasavi Housing and Infrastructure Limited. Further, Section 60(3) of Insolvency and Bankruptcy Code 2016 clearly states that any case relating to the Corporate Debtor pending in any Court or Tribunal shall be transferred to the Adjudicating Authority (NCLT Chennai) dealing with the Insolvency Resolution Process or Liquidation Proceedings of such Corporate debtor. In the present case, the connected proceedings are pending before National Company Law Tribunal, therefore, any further action can be settled before NCLT.

6. In view of the above, this Writ Petition stands closed with liberty to the petitioner to approach the appropriate Forum in the manner known to law.

No costs.

(J.N.B., J.) (N.M., J.)

05.10.2023

vsi

Index : Yes / No



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and
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