



W.P.No. 11152 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

W.P.No. 11152 of 2023

and

W.M.P.Nos. 11008,11009,11011 & 11012 of 2023

Raman Kuppu Rao

... Petitioner

Vs.

1. Member Secretary
Chennai Metropolitan Development Authority,
No. 1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2. The District Collector,
Chennai District.

3. The Sub Registrar,
Registration Department,
Mylapore, Chennai - 600 018.

4. KG Foundations(P) Limited,
Represented by its Director Mr. Haresh Kishore,
No.5, Bishop Wallers Avenue(East),
Ground Floor, Mylapore, Chennai - 600 004.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for
issuance of Writ of Certiorarified Mandamus, to quash the completion



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certificate No. CC.No. EC/South-I/099/2022 dated 21.04.2022 having Permit No. 13627 dated 13.08.2020 issued by the 1st Respondent consequently directing the 1st respondent to remove the unauthorized, illegal and deviated construction in violation of the Planning permit, Permit No. 13627 dated 13.08.2020 issued by the 1st respondent within a time to be stipulated by this Court.

For Petitioner : Mr.V. Arunagiri
For Respondents : Mr.R. Sivakumar
Standing counsel for R1
Mr.P. Gurunathan
Mr. B. Deepak Narayanan

ORDER

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

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, to quash the completion certificate No.CC.No.EC/South-I/099/2022 dated 21.04.2022 issued by the 1st respondent and consequently direct the 1st respondent to remove the unauthorised, illegal and deviated construction in violation of the planning permit, Permit No.13627 dated 13.08.2020 issued by the 1st respondent within a time frame to be fixed by this Court.



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2. Petitioner along with his wife purchased a residential plot at Door No.55 Old No.13, Luz Avenue, Mylapore, Chennai – 600 004, having 4128 sq.ft., in Mylapore Village RS No.3576/23, Block No.71. They had entered into a joint development for construction of a building with the 4th respondent. The 4th respondent deviated the approved building plan granted by the 1st respondent/CMDA and fraudulently obtained completion certificate. Hence the Writ Petition.

3. The learned counsel for the petitioner would submit that as per the building permit, 768.92 sq. meter is the approved size of the building, whereas, the 4th respondent had constructed 968.54 sq. Meter.,. Suppressing the said deviation 4th respondent obtained completion certificate.

4. The learned Standing counsel appearing for the 1st respondent would submit that pursuant to the direction of this Court dated 24.08.2023, the Corporation authorities conducted inspection on 09.08.2023 and found that there is no deviation in the construction. In support of his submission, the learned Standing Counsel filed counter affidavit before this Court, wherein it



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has been stated as follows:

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“4. It is further submitted that as the construction made at the site satisfies all the Completion Certificate Norms prescribed in Annexure-XXIII of Tamil Nadu Combined Development and Building Rules, 2019, Completion Certificate was issued by this respondent vide No.EC/South-1/099/2022 dated 21.04.2022 in letter No.CMDA/CC/NHRB/S/032/2022 dated 21.04.2022.

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7. It is further submitted that during the pendency of this writ petition, on 09.08.2023 the building was once again inspected by this respondent officials. The inspection report along with area calculation is attached by way of typed set of papers. I pray this Hon'ble Court may pleased to treat the same as part and parcel of this counter affidavit. It was ascertained that the excess building area (FSI Area) constructed in the building works out to 8.64 sq.m., only. Thus, the allegation made by the petitioner in his affidavit that 196.62 sq.m of excess FSI area has been constructed in building is not correct.”

5.In the light of the submissions made by the 1st respondent in the counter affidavit dated 24.08.2023, we are of the view that the prayer sought



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for by the petitioner has no substance. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B., J.)

(N.M., J.)

15.09.2023

Index : Yes / No

Internet : Yes / No

Neutral citation : Yes / No

Jer/nvsri

To

1. Member Secretary

Chennai Metropolitan Development Authority,

No. 1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2. The District Collector,
Chennai District.

3. The Sub Registrar,
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J. NISHA BANU, J.



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and
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