



WEB COPY



W.P. Nos. 19570 and 19573 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

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

W.P. Nos. 19570 and 19573 of 2023

Ramapriya Srinivasan

..... Petitioner in both W.Ps

Vs.

1. The Additional Secretary (Technical)
Housing and Urban Development Department
6th Floor, Namakkal Kavingar Maaligai,
Secretariat
Chennai-9

2. The Member Secretary
Chennai Metropolitan Development Authority
Chennai-8

3. The Principal Secretary/ Commissioner
Greater Chennai Corporation
Ripon Building
Chennai-3

4. The Executive Engineer
Greater Chennai Corporation, Zone- 9
No.1, Lake Area, 4th Cross Street,
Nungambakkam
Chennai-34

... Respondents in both W.Ps

COMMON PRAYER: Writ Petitions filed under Article 226 of the



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Constitution to issue a Writ of Mandamus, to direct the 1st respondent to consider the petitioner's representations dated 11.05.2023 and 03.04.2023.

For Petitioner
in both W.Ps : Mr. Murali Kumaran
Senior Counsel for McGan Law Firm
For Respondents : Mr. E. Vijayanad
in both W.Ps Additional Government Pleader

COMMON ORDER

With the consent of both parties, the Writ Petitions are taken up for final disposal at the admission stage itself.

2. Since the issue involved in both the writ petitions are one and the same, they are disposed of by this common order.

3. The limited prayer sought for in this Writ Petition is for a direction to the 1st respondent herein to consider the petitioner's representations dated 03.04.2023 and 11.05.2023 .

4. According to the petitioner, she had entered into an agreement with the land owners to purchase a flat at Triplicane. It seems that the land owners claimed to have obtained permission from the Corporation of Chennai for construction of four flats. Further, for the purpose of raising construction and to sell the land, the land owners appointed one



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Mr.N.Ravindran as their Power of Attorney Agent with regard to a part of the land viz., 1713 sq.ft of undivided share in 2410 sq.ft. The General Power of Attorney is in respect of the land area of 1713 sq.ft and on calculation of 1.5 FSI, three flats were permitted to be sold by the general power of attorney agent, however, he sold all the four flats retaining 697 sq.ft fraudulently. Hence, she made a representation to the Real Estate Regulatory Authority herein on 25.09.2021 to conduct a proper enquiry with regard to violation, but no action was taken by them. Thereafter, she had filed a writ petition in W.P.No.23432 of 2021 and this Court vide order dated 29.10.2021 had directed the TNRERA to consider the representation of the petitioner.

5. As per the directions of this Court, the 1st respondent sent a communication dated 05.01.2023 to the petitioner to appear in person on 10.01.2023 along with supporting documents. The petitioner appeared before the 1st respondent and submitted her objections on 10.01.2023. Pursuant to the said personal hearing, the 1st respondent vide proceedings dated 20.03.2023 disposed of the 80(A) Revisions of the parties therein. On receipt of the said order, the petitioner made representations dated 03.04.2023 and 11.05.2023 to the respondents



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1 to 4, to take action by making inspection for rectifying the deviations and to apply for the revised approval of the building and also sought for furnishing certain documents. The only grievance of the petitioner is that, till date, the representations sent by the petitioner has not been considered so far.

6. In view of the limited prayer sought for by the petitioner, without expressing any view on the merits of the claim made by the petitioner, we direct the respondent 1 to pass orders on the petitioner's representations dated 11.05.2023 and 03.04.2023, on merits and in accordance with law, after giving due opportunity of personal hearing to the petitioner and the parties concerned. Such exercise shall be carried out by the respondents within a period of eight(8) weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petitions are disposed of. No costs.

(J.N.B,J.) (N.M, J.)
04.07.2023

Index : Yes / No

Internet : Yes

Msv

To

1. Additional Secretary (Technical)



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