



W.P.No.19296 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.19296 of 2020

1.Magestic Brindavan Residential Apartment
Represented by its President
N.A.Jaikumar, S/o.N.K.Aravamudan
Flat No.4, New No.6
Old No.24, DR Nair Road
T.Nagar, Chennai-600 017.

2.R.Kannan

3.D.Prema

4.S.Anurupa

5.K.S.Sekar

6.A.K.Maheshwari

7.G.T.Suresh

8.C.T.Jayesh Tanna

.. Petitioners

Vs.

1.The Member Secretary
Chennai Metropolitan Development
Authority (CMDA)
Thalaythu Natarajan Building
No.1, Gandhi Irwin Bridge Road
Chennai-600 008.

2.The Commissioner



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Chennai Corporation Greater
Rippon Building, Chennai.

3.Suresh J.Mehta

4.Pushpa Mehta

5.Virendra Kumar R.
Vibul Kumar, represented by Y.K.Agarwal
S/o.M.P.Agarwal
No.47, Venkatachala Mudali Street
Park Town, Chennai-3.

6.Anil Kumar Gupta

7.V.Haridoss

8.The Secretary to Government
Housing and Urban Development
Department, Secretariat, Chennai.

(R8 suo motu impleaded vide order
of this Court dated 01.02.2023 made
in W.P.No.19296 of 2020)

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to initiate the necessary action under Section 56(2) sub clause (iii) of Town and Country Planning Act,1971 in so far as the building violation and the deviation from the planning permission dated 25.02.1997 in respect of the property situated at new No. 6, old No. 24, Dr. Nair Street, T Nagar, Chennai – 17.

For Petitioners : Mr.Rajasekar



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For R1 : Mr.C.N.Vinobha
Standing Counsel for CMDA
For R2 : Mr.G.T.Subramaniam
For R3 to R7 : Ms.Vandana
for M/s.Surana & Surana
For R8 : Mr.P.Gurunathan
Additional Government Pleader

ORDER

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

The petitioners have come out with the present Writ Petition for a direction to the respondents 1 & 2 to initiate action under the Tamil Nadu Town and Country Planning Act against the respondents 3 to 7.

2. Mr.P.Gurunathan, learned Additional Government Pleader appearing for the 8th respondent submitted that against the proceedings initiated under the Tamil Nadu Town and Country Planning Act, the respondents 3 to 7 filed revision before the Government, 8th respondent under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971. The Additional Secretary, Housing and Urban Development Department, 8th respondent by the order dated 12.08.2022 disposed the said revision directing the respondents 3 to 7 to approach the CMDA/1st



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respondent to make a representation with request to re-open the regularisation application filed under Section 113(A) of the Tamil Nadu Town and Country Planning Act, 1971 within 30 days from the date of receipt of copy of the said order. In view of the same, the Writ Petition has become infructuous.

3. Learned counsel appearing for the respondents 3 to 7 submitted that in pursuant to the order of the 8th respondent dated 12.08.2022, the respondents 3 to 7 approached the 1st respondent, filed application on 13.01.2023 and the same is pending before the 1st respondent.

4. In view of the above submissions, this Writ Petition is dismissed with liberty to the petitioners to file objection to the application filed by the respondents 3 to 7 to the CMDA/1st respondent. No costs.

(V.M.V., J) (V.L.N., J)
28.02.2023

Index : Yes / No
Neutral Citation : Yes / No

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**V.M.VELUMANI,J.
and
V.LAKSHMINARAYANAN,J.**

Kj

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