



W.P.No.22123 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.22123 of 2019
and
W.M.P.Nos.21397 and 21399 of 2019

V.G.Selvaraja

.. Petitioner

Vs.

- 1.The Secretary to Government
Housing and Urban Development Department
Fort St. George
Chennai-9.
- 2.The Member-Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irvin Road
Egmore
Chennai-600 008.
- 3.The Chairman
Tamilnadu Generation & Distribution Corporation Ltd.,
TANGEDCO, Anna Salai
Chennai – 600 002.
- 4.The Managing Director
Chennai Metropolitan Water Supply and Sewerage Board
No.1, Pumping Station Road,
Chintadripet, Chennai-600031.



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5.Chitra Avenue Flat Owners
Welfare Association
Jayam Block Basement
Chitra Avenue
No.9, Choolaimedu High Road
Chennai – 94.

6.M.S.Moorthy

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records pertaining to the orders passed by the 1st respondent in Government in Letter No.19994/UD/VI (1)/2015-1 dated 29/12/2015 and quash the same and consequently direct the respondents 1 to 4 to take appropriate action for the disconnection of water and electricity enjoyed by the dwelling units of unauthorised floors of all blocks in TS No.174, 183, 189 and No.18, Block No.16 of Puliur Village, Sowrastra Nagar, Ist Street, now named as Chitra Avenue, No.9, Choolaimedu High Road, Chennai-94 till the additional floors constructed in violation of the sanctioned plan are regularized in accordance with law.

For Petitioner : Mr.S.Kamadevan

For R1 : Mr.E.Vijay Anand
Additional Government Pleader

For R2 : M/s.P.Veena Suresh



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ORDER

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

The petitioner seeks for a Writ of Certiorarified Mandamus, to quash the Proceedings of the Government in Letter No.19994/UD/VI (1)/2015-1 dated 29.12.2015 and for further direction to the respondents 1 to 4 to take units of unauthorised floors of all blocks in TS Nos.174, 183, 189 and 18, Block No.16 of Puliur Village, Sowrastra Nagar, Ist Street, now named as “Chitra Avenue”, No.9, Choolaimedu High Road, Chennai-94 till the additional floors constructed in violation of sanctioned plan are regularised in accordance with law.

2. By an order dated 15.09.2015, the Member Secretary, Chennai Metropolitan Development Authority, Chennai had directed restoration of the building, to the approved plan status, within 30 days from the date of receipt of the copy of the order. Challenging the same, an appeal was presented by one M.S.Moorthy and 124 others on 25.09.2015. The 1st respondent called upon the CMDA to submit its remarks and granted interim stay of the enforcement of the impugned order therein till disposal of the appeal. This order was passed in 2015 and the writ



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petition came to be filed in the year 2019. The parties have been having the benefit of interim stay nearly for a period of eight years. The scope of interference with the interim order is limited. We do not want to interfere at this stage, especially when there are residential units, which are subject matter of the appeal. Interest of justice will be served if the 1st respondent is directed to dispose of the appeal, as expeditiously as possible, in any event within a period of three months from the date of receipt of a copy of this order. The writ petitioner is permitted to file his objections to the appeal, if so advised. The 1st respondent is directed to give an opportunity to the petitioner as well as 6th respondent and pass reasoned order within the time fixed above.

3. With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

(V.M.V., J) (V.L.N., J)
02.03.2023
(1/2)

Index : Yes / No
Neutral Citation : Yes / No
dm



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To

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V.M.VELUMANI, J.
and
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