



W.P.No.22856 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

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V.R.Manoharan

... Petitioner

Vs.

1. The State of Tamil Nadu, rep by its Secretary,
Housing and Urban Development Department,
Fort. St. George, Chennai 600 009.
2. The Commissioner, Corporation of Greater Chennai
Chennai-3.
3. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai 600 008.
4. The Executive Engineer (Enforcement),
Zone-VI, Corporation of Chennai,
No.5, Anderson Road, Ayanavaram, Chennai 600 023.
5. M/s Appasamy Real Estates Ltd.,
Rep. by its Managing Director,
No.3, Mangesh Street, T.Nagar, Chennai 600 017.

Also at No.85-87, N.S.K.Nagar,
Arcot Road, Vadapalani, Chennai 600 026.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 and 3 to consider the petitioner's representation dated 11.03.2019 and take action against the 5th respondent for construction of the building bearing door No.85 and 87, N.S.K.Salai, Arcot Road, Vadapalani, Chennai 600 026, without following the Rules and regulations, formulated by the respondents 1 to 4.

For Petitioner : Mr. R.Thanjan

For Respondents : Ms.R.L.Karthika,
Government Advocate for R1

Mr.E.C.Ramesh,
Standing Counsel for R2 and R4

Ms.P.Veena Suresh,
Standing Counsel for R3

ORDER

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This Writ Petition has been filed to direct the respondents 2 and 3 to consider the petitioner's representation dated 11.03.2019 and take action against the 5th respondent for construction of the building bearing door No.85 and 87, N.S.K.Salai, Arcot Road, Vadapalani, Chennai 600 026,



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without following the Rules and regulations, formulated by the respondents
1 to 4.

2. The third respondent filed counter affidavit stating that the 5th respondent, in the name of T.V.Sathyanarayan, developer, had obtained approval for construction of combined BF slit+15 floors with 360 dwelling units of 4 blocks and one block BF GR first floor building with swimming pool, association and care taker room at Door No.85 to 87, N.S.K.Salai, Saligramam, comprised in T.S.No.133/1, 2 part & 133/10, Block No.39 of Saligramam Village and completion certificate was also issued vide letter No.EC3/1205/2009 dated 16.06.2009. Further, the authorities concerned inspected the site on 20.11.2019 and it was found that the construction made is, as per the approved plan.

3. By referring the above counter affidavit, the learned Standing Counsel submitted that the fifth respondent has constructed the building as per the approved plan, without any deviation and completion certificate was also issued. Therefore, the writ petition is not maintainable and seeks for



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dismissal of the writ petition.

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4. In view of the above, it is clear that the 5th respondent had constructed the building, without any deviation and completion certificate was also issued. However, the petitioner has filed the writ petition, as if the fifth respondent had constructed the building, violating the building Rules. Further, the petitioner has not filed any material before this Court to prove his contentions. Therefore, we are of the view that the writ petition has no merits and the same is liable to be dismissed.

5. Accordingly, this writ petition is dismissed. No costs.

(D.K.K.J.)

(P.D.B.J.)

14.06.2023

Internet: Yes/No

Index : Yes/No

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To

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