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W.P. No. 28763 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 28763 of 2023

and

W.M.P. No. 28345 of 2023

SSM Builders and Promoters
Represented by its Managing Director,
K.Santhanam,
Door No.501, Puthur Road,
Alapakkam, New Perungalathur,
Pincode - 600063.

... Petitioner

-VS-

1. The Government of Tamilnadu,
Represented by its Secretary,
The Housing and Urban Development Department,
Secretariat, Chennai – 600009.
2. The Housing Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai – 600008.
3. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai – 600008.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Third Respondent to consider the application dated 30.08.2023 having Reference No. CMDA / CC / NHRB / C / 0397 / 2023 submitted by the Petitioner for issuance of final completion certificate for the club house building having ground plus 3 floors



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which forms part of the planning permit 8256 and 11040, in accordance with the applicable norms and rules of Tamil Nadu Combined Development and Building Rules, without insisting to register the project development with TNRERA as a pre-condition for considering the application.

For Petitioner : Mr. K.Jayaraman

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader for R1)

Mrs. P.Veena Suresh (for R2 & R3)

ORDER

Heard Mr. K.Jayaraman, Learned Counsel for the Petitioner and Mr. U.Baranidharan, Learned Additional Government Pleader for the First Respondent and Mrs. P.Veena Suresh, Learned Counsel for the Second and Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Third Respondent to consider the application in Reference No. CMDA / CC / NHRB / C / 0397 / 2023 submitted by the Petitioner for issuance of final completion certificate for the club house building having ground plus 3 floors which forms part of the planning permit 8256 and 11040, in accordance with the applicable norms and



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rules of Tamil Nadu Combined Development and Building Rules, without insisting to register the project development with TNRERA as a pre-condition for considering the application.

3. When the matter is taken up for hearing, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner in the event of any adverse order passed by the concerned authorities, to work out its rights before the proper forum in the manner recognized by law, and he has made an endorsement to that effect in the court record. Though obvious, it is made clear that no view has been expressed by the Court on the merits of the controversy involved in the matter.

In the result, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed. No costs.

17.10.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 01.11.2023.

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P.D. AUDIKESAVALU, J.

Maya

To

1. The Secretary,
The Housing and Urban Development Department,
Secretariat, Chennai – 600009.
2. The Housing Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai – 600008.
3. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai – 600008.

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