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W.P. No. 34010 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2023

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

W.P. No. 34010 of 2022

and

W.M.P. Nos. 33720 of 2022 and 8764 of 2023

B.Ravikumar

... Petitioner

-VS-

1. State of Tamil Nadu,
Represented by its Secretary to Government,
Housing and Urban Development Department,
Chennai – 600009.
2. Member-Secretary,
Chennai Metropolitan Development Authority,
'Thalamuthu-Natarajan Maaligai,
No. 1, Gandhi Irwin Road, Egmore,
Chennai – 600008.
3. Enforcement Cell,
Chennai Metropolitan Development Authority,
'Thalamuthu-Natarajan Maaligai,
No. 1, Gandhi Irwin Road, Egmore,
Chennai – 600008.
4. M/s. Casa Grande Civil Engineers Pvt. Ltd.,
Represented by its Managing Director,
'NPL Devi', New No. 111, Old No. 59,
L.B.Road, Thiruvanmiyur,
Chennai – 600041.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for records



W.P. No. 34010 of 2022

and quash the existing Completion Certificate First Respondent dated 04.02.2020 bearing Letter No. EC/SII/21206/2019 with respect to the “CASAGRAND BELLISIMO” premises, issued in favour of the Fourth Respondent and consequently direct the First to Third Respondents to issue the necessary completion certificate afresh after regularizing and ensuring compliance by the Fourth Respondent of all the parameters as per the planning permit vide the CMDA Planning Permission No. B/Spl., Bldg./148A to H/2017 Permit No. 11392 in Letter No. B1/18189/2016 dated 11.05.2017.

For Petitioner : Mrs. K.Subhashini
for M/s. Chennai Law Associates

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

Mr. C.Manoharan (for R2 & R3)

Mr. K.Jayaraman
for M/s. Ganesh & Ganesh (for R4)

ORDER

Heard Mrs. K.Subhashini, Learned Counsel for the Petitioner, Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the First Respondent, Mr. C.Manoharan, Learned Counsel appearing for the Second and Third Respondents and Mr. K.Jayaraman, Learned Counsel appearing for the Fourth Respondent and perused the materials placed on



W.P. No. 34010 of 2022

record, apart from the pleadings of the parties.

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2. The grievance ventilated by the Petitioner is that the First Respondent has granted Completion Certificate by Proceedings in Letter No. EC/S-II/21206/2019 dated 04.02.2020 in respect of the construction made in the property, viz., Casagrand Bellisimo in favour of the Fourth Respondent without proper verification of the parameters in the planning permission No. B/Spl., Bldg./148A to H/2017 and Permit No. 11392 in Letter No. B1/18189/2016 dated 11.05.2017 from the First Respondent.

3. It is obvious that the controversy involved falls within the realm of disputed questions of fact which cannot be determined in proceedings following summary procedure under Article 226 of the Constitution and that the Petitioner has adequate remedies to work out his rights in that regard including the Consumer Protection Act, 2019, in the light of decision of the Hon'ble Supreme Court of India in ***Lucknow Development Authority -vs- M.K.Gupta*** [(1994) 1 SCC 243]. In such circumstances, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to resort to the aforesaid procedure and she has made an endorsement to that effect in the court record.



W.P. No. 34010 of 2022

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

03.11.2023

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 14.02.2023.

To

1. The Secretary to Government of Tamil Nadu,
Housing and Urban Development Department,
Chennai – 600009.
2. Member-Secretary,
Chennai Metropolitan Development Authority,
'Thalamuthu-Natarajan Maaligai,
No. 1, Gandhi Irwin Road, Egmore,
Chennai – 600008.
3. The Enforcement Cell,
Chennai Metropolitan Development Authority,
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W.P. No. 34010 of 2022

P.D. AUDIKESAVALU, J.

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W.P. No. 34010 of 2022

03.11.2023