



WEB COPY



W.P.No.5932 of 2023

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.5932 of 2023

Sivakamasundari Rajendran

.. Petitioner

Vs.

1.The Commissioner
Directorate Town and Country Planning
No.7, Anna Salai, Chennai-600 002.

2.The Regional Assistant Director
Directorate Town and Country Planning
No.124, GST Road
Periyar Shopping complex
Chengalpattu – 603 001.

3.The President
Mambakkam Panchayat
Mambakkam 600 127, Chengalpattu District.

4.The Chief General Manager
State Bank of India
Local Head Office, 16 College Lane
Nungambakkam, Chennai-600 006.

5.State Bank of India Officer's
Association Chennai Circle (SBIOACC)
(Promoter of Unity Enclave Project)
84, Rajjaji Salai, Chennai-600 001.



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6.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
**(R6 suo motu impleaded vide order of
this Court dated 28.02.2023 made in
W.P.No.5932 of 2023)**

.. 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 & 2 to inspect the building construction and to find out any deviation as per the plan approval in Na.Ka.En 1233/2013/CP dated 20.12.2013 and directing the respondents 1 & 2 to file a report before this Court.

For Petitioner : Ms.S.Vennila

For RR1 & 2 : Mr.E.Vijay Anand
Additional Government Pleader
For R3 : Mrs.R.L.Karthika
Government Advocate

For R6 : Mr.R.Shivakumar
(newly impleaded Standing Counsel for CMDA
respondent)

ORDER

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

The petitioner has come out with the present Writ Petition for a direction to the respondents 1 & 2 to inspect the building construction, to find out any deviation as per the plan approval in Na.Ka.En 1233/2013/CP dated 20.12.2013 and to file a report before this Court.



2. By consent of both the learned counsel appearing for the petitioner as well as Mr.E.Vijay Anand, learned Additional Government Pleader, who takes notice for the respondents 1 & 2, Mrs.R.L.Karthika, learned Government Advocate, who takes notice for the 3rd respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 & 2, learned Government Advocate appearing for the 3rd respondent and perused the entire materials on record.

4. Learned counsel appearing for the petitioner submitted that petitioner is an Ex-Vice President of the 5th respondent Association. She has entered into an agreement with the 5th respondent to purchase a flat in their project called SBIOA Unity Enclave, Mambakkam and paid the sale consideration. The 5th respondent has handed over the incomplete flats to the petitioner during June 2018 without any basic amenities. As per the building plan approved by the 1st respondent dated 20.12.2013, project had been developed. The 5th respondent has made unauthorised



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alterations in some of the blocks and also constructed a shed near R-Block along the compound in the common area violating the terms of approved plan and sold to third parties. In this regard, the petitioner has sent various representations to the respondents 2 & 3 and finally, she has given representation on 06.12.2022 to the respondents 1 to 5. Since they have not taken any action on the said representation, the petitioner has come out with the present Writ Petition for the above stated relief.

5. The learned Additional Government Pleader appearing for the respondents 1 & 2 submitted that CMDA is the competent authority to take action for the unauthorised construction. If there is any unauthorised construction, a direction may be issued to the CMDA to inspect the property and initiate the proceedings in accordance with law.

6. In view of the above submissions, this Court suo motu impleads “*The Member Secretary, Chennai Metropolitan Development Authority, No.1, Gandhi Irwin Road, Egmore, Chennai 600 008*” as 6th respondent in this Writ Petition. Mr.R.Shivakumar, learned Standing Counsel takes notice for the newly impleaded 6th respondent/CMDA.



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7. Considering the above submissions made by the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 & 2 and the learned Government Advocate appearing for the 3rd respondent, the newly impleaded 6th respondent is directed to inspect the building after issuing notice to the petitioner as well as 5th respondent, within a period of two weeks from the date of receipt of a copy of this order and if there is any unauthorised construction found, take appropriate action immediately within four weeks thereafter.

8. With the above directions, the Writ Petition is disposed of. No costs.

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

Index : Yes / No

Neutral Citation : Yes / No

Note : Registry is directed to carry out necessary amendment in the cause title.

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To

1. The Commissioner
Directorate Town and Country Planning
No.7, Anna Salai, Chennai-600 002.



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

V.LAKSHMINARAYANAN,J.

Kj

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