



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.1079 of 2024
and
W.M.P.No.1140 of 2024

G.Srinivasan

...Petitioner-in-person

Vs.

1.Member Secretary,
Chennai Metropolitan Development Authority,
Thazha Muthu Natarajan Building,
Egmore, Chennai.

2.SH.MS Ramesh

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, invoking the law laid down by the Division Bench of this Court in Abbotsbury Owners' Association Vs. CMDA (20.01.2023) and then upheld by the Hon'ble Supreme Court in SLP (Civil) No.16011/2023 dated 17.07.2023 and direct



A. The respondent-1 to relegate the unauthorised conversions of buildings in the common Non-FSI areas of the Apartment of Surendra Homes, No. 1, Pammal Main Road, Pallavaram Constructed by respondent -2 and retained by the respondent-2 since-2009, such as Pump-Room into a Workshop, Electrical Room into a Store-room and two toilets in the Stilt-Floor, Gas-Room(not in use), in the Terrace Floor and the 36th Flat denoted as Flat-409 that are covered within 10% of the Total constructed area of the building as allowed under Development Regulations-2008 of CMDA and consequently direct respondent 1 to take over these buildings in the Non-FSI areas and hand-over to the association of Owners (SHAOWA) within fifteen days of this Petition.

B. Direct the Respondent-2 re-distribute the unallotted UDS area of 791 Sq.ft of the total Land of 24224 Sq.Ft. to the current 35 Flat-owners of the apartment in proportion to the area of the flats they hold and these rectification Deeds are re-registered at the office of the SRO, Pallavaram, with the stamp Duty and other expenses and costs payable by the respondents-2 within a period of sixty days of the petition.

For Petitioner : Mr.G.Srinivasan, Party-in-person

For 1st Respondent : Mr.Y.Bhuvanesh Kumar

For 2nd Respondent: Mr.Arun Anbumani

For Mr.M.Nandakumar



J U D G M E N T

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(Judgment of the Court was delivered by ***R.SUBRAMANIAN, J.***)

From the status report filed by the Member Secretary of the Chennai Metropolitan Development Authority, it is clear that the building had several violations, all at the instance of the builder viz., the 2nd respondent. From the report it is found that all the violated portions have been removed. If there is any other violations subsisting the Chennai Metropolitan Development Authority will go ahead and remove all the violated constructions forthwith. The Chennai Metropolitan Development Authority will ensure that the building is restored as per the approved plan, not even an inch of the violation shall be permitted to remain.

2. As regards the second prayer, the petitioner wants re-distribution of the UDS area, which cannot be done in a petition under Article 226 of the Constitution of India. Therefore, liberty is granted to the petitioner to move the appropriate civil Court seeking such re-distribution, if he is so advised.



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3. The Writ Petition is **disposed of** with the above observations. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M., J.) (C.K., J.)
12.12.2024

dsa

Index : No
Neutral Citation : No
Speaking order



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To

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The Member Secretary,
Chennai Metropolitan Development Authority,
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Egmore, Chennai.



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