



W.P. No. 827 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

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

W.P. No. 827 of 2024

VGN Stafford Flat Owners Welfare Association,
Represented by its President,
V.Madhan Mohan Raj,
Having its registered office at
VGN Stafford,
Sudharasana Street,
Thirumalaivasan Nagar,
Thirumullaivoyal,
Chennai – 600062.

... Petitioner

-VS-

1. Chennai Metropolitan Development Authority,
Thalamuthu Nataraj Building,
No. 1, Gandhi Irwin Road,
Egmore,
Chennai – 600008.
2. The Commissioner,
Avadi Corporation,
N.M. Road, Avadi,
Chennai – 600054.
3. VGN Projects Estates Private Limited,
(Formerly known as VGN Property Developers Private Limited),
Represented by its Authorized Signatory,
No. 153, Wallance Garden 2nd Street,
Nungambakkam,
Chennai – 600006.

... Respondents



W.P. No. 827 of 2024

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents herein to handover Soil Test Reports, Soil bore hole test data with recommendations about the type of foundation, Architectural drawings, Design basis reports, Analysis input file, design calculation file, building foundation details, and all structural drawings, Structural test reports of all the buildings inside VGN Stafford residential society located at Sudharasana Street, Thirumalaivasan Nagar, Thirumullaivoyal, Chennai – 600062.

For Petitioner : Mr. Pradeep Jayaraman

For Respondents : Mr. C.Manoharan (for R1)

Mr. R.Gopinath (for R2)

ORDER

Heard Mr. Pradeep Jayaraman, Learned Counsel for the Petitioner, Mr. C.Manoharan, Learned Counsel appearing for the First Respondent and Mr. R.Gopinath, Learned Counsel appearing for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Respondents to hand over soil test reports, soil bore hole test data with recommendations about the type of foundation, architectural drawings, design basis reports, analysis input



W.P. No. 827 of 2024

file, design calculation file, building foundation details, and all structural drawings, structural test reports of all the buildings inside VGN Stafford residential society located at Sudharasana Street, Thirumalaivasan Nagar, Thirumullaivoyal, Chennai.

3. In response, the Assistant Planner, Chennai Metropolitan Development Authority, Chennai has filed a status report dated 18.01.2024 in which it has been stated as follows:-

“ Earlier Planning Permission was issued by CMDA for the building constructed at Thirumulaivasan Nagar Main Road, Thirumullaivoyal comprised in S.No. 209/2 Part, 883, T.S. No. 4, 35 B, Block No. 46, 42 Ward D of Thirumullaivoyal village for the construction of Stilt floor + 4 floors -23 blocks, Stilt floor + 3 floors – 1 Block, totally 24 Blocks with 166 dwelling units and 1 Block Ground floor + 3 Floors Club House +1 Block Ground floor +2 Floors Retail shop vide approval no. B/Spl.Bldg/235/1-28/2012 in File No. B3/5410/2011 dated 15.06.2012 as per Development Regulations, 2008.



W.P. No. 827 of 2024

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Subsequently, revised approval was issued by CMDA for proposed construction of Stilt floor + 4 floors 23 Blocks, Stilt floor + 3 Floors – 1 Block Total 24 Blocks and one block Retail shop and one Block, Club house, Residential building with 1289 dwelling units vide Approval no. B/Spl.Bldg/23/1-30/2013 in File No. B3/16425/2012 dated 30.01.2013 as per Development Regulations, 2008.

In the W.P. No. 827/2024, M/s VGN Stafford Flat Owners Welfare Association has stated that they had approached CMDA to furnish structural reports related to buildings in the site under reference. The Planning Permission is issued under the provision of Tamil Nadu Town and Country Planning Act, 1971. As far as the structural stability aspect of the building is concerned, it falls within the jurisdiction of the Local body concerned as stated in the Building Rules under the respective Local body Act, 1920, such as Chennai City Municipal Corporation Act, 1919, Tamil Nadu District Municipality Act, 1924, Tamil Nadu Panchayat Act, 1994, prevalent at the time of issue of PP.



W.P. No. 827 of 2024

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Therefore, the Soil test reports, Soil bore hole test data with recommendations about the type of foundation, Design basis reports, Analysis input file, design calculation file, building foundation details, structural drawings and Structural test reports are not mandatory as per Development Regulations, 2008, and the same was not called for during the time of issue of Planning Permission in 2013. Hence, the requested documents by the Petitioner are not available in File no. B3/16425/2012.”

In view of the same, nothing remains for further consideration in the Writ Petition, but if the Petitioner still has any grievance to be redressed in the matter, it is not precluded from working out its rights before the proper forum in the manner recognized by law.

In fine, the Writ Petition is disposed with the aforesaid observations. No costs.

19.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 25.03.2024.

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W.P. No. 827 of 2024

To

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W.P. No. 827 of 2024

P.D. AUDIKESAVALU, J.

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W.P. No. 827 of 2024

19.01.2024