



W.P.No.23015 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR. JUSTICE P.B. BALAJI

W.P.No.23015 of 2024

Dharmapadam Sridhar

Petitioner

vs.

- 1 The Member Secretary
CMDA, Egmore
Thalamuthu Natarajan Maligai
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
- 2 The Metrozone Apartments Owners Association
Rep. by its President
Having office at
The Metrozone
No.44, Pillaiyar Koil Street
Jawaharlal Nehru Road
Anna Nagar West, Chennai 600 040
- 3 M/s.Ozone Projects Private Limited
Having its registered office at
New No.63, Old No.32
G.N.Chetty Road, T.Nagar, Chennai 600 017
Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the 1st respondent to enquire into the matter and take action on the unauthorised construction put up at the A-Tower entrance portal based on the petitioner's representation dated 03.03.2024 *vide* e-mail and the representation



W.P.No.23015 of 2024

dated 04.03.2024 by courier.

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For petitioner

Mr. T.N. Rajagopalan
for Mr. D. Kanagasundaram

For 1st respondent

Mr. R. Thamaraiselvan
Standing Counsel

For 2nd respondent

Mr. R. Ganeshram

For 3rd respondent

No appearance

ORDER

The petitioner appears to be the owner of a flat in the apartments styled "Metrozone Apartments" developed by the third respondent/builder and the owners of the flats in the said apartments are the members of the second respondent association.

2. The gist of the petitioner's grievance seems to be that the third respondent/builder, without fulfilling its obligations/duties, had entered into sale deeds with the flat owners, and the second respondent association, instead of proceeding against the third respondent/builder for deficiency in work, is collecting money from the flat owners for putting up unauthorised construction.

3. The specific case of the petitioner is that even according to the third respondent/builder, the second respondent association is



W.P.No.23015 of 2024

going ahead with some construction activities sans approval from the appropriate authority which is also admitted by the second respondent association.

4. In this connection, the petitioner has addressed a representation dated 04.03.2024 to the first respondent, besides, addressing an email dated 03.03.2024 to the first respondent seeking appropriate action in the matter. Finding no response for the same, the present writ petition has come to be filed for a direction to the first respondent to enquire into the matter and take appropriate action in respect of the unauthorised construction in question.

5. Heard the learned counsel for the respective parties and perused the materials available on record.

6. The first respondent has filed a counter affidavit dated 24.10.2024, *inter alia*, stating that upon inspection carried out on 26.09.2024, some defects were found. The relevant portion of the counter affidavit of the first respondent is as under:



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W.P.No.23015 of 2024

"The entrance arch and baseball court are not covered in the approved plan issued by CMDA. Due to said violations/deviations, further enforcement action of Form – IV notice for compliance of planning permission in respect of unauthorised development carried out in contravention of planning permission will be issued following due procedures."

7. In view of the aforesaid asseveration made in the counter affidavit of the first respondent, the first respondent is directed to proceed further in respect of removal of unauthorised construction in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, of course, after affording an opportunity to all the parties concerned.

With the above direction, this writ petition stands disposed of sans costs.

(D.K.K., J.) (P.B.B., J.)
29.10.2024

cad



W.P.No.23015 of 2024

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To

The Member Secretary
CMDA, Egmore
Thalamuthu Natarajan Maligai
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008



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W.P.No.23015 of 2024

D. KRISHNAKUMAR, J.

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W.P.No.23015 of 2024

29.10.2024