



W.P. No. 29570 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

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

W.P. No. 29570 of 2023

Ms.ADROIT URBAN DEVELOPERS PVT. LTD.,
Rep. By its Authorised Signatory,
Mr.Rajan Sivaprakasam,
No.1, Bheemanna Garden Street,
Alwarpet,
Chennai 600 018.

... Petitioner

-VS-

1. The Commissioner of Police/ Greater Chennai City
No.132, Commissioner Office Building, EVK Sambath Road,
Vepery, Periyamet, Chennai.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai 600 003.
3. The Member Secretary,
CMDA,
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.
4. The Regional Senior Manager Sports
Development Authority of Tamilnadu (SDAT)
No.116-A, Poonamallee High Road,
Sastri Nagar, Nehru Park,
Chennai 600 089.
5. The Joint Director Public Health and Preventive Medicine Department
64/75, Main Road, Chokkalingam Nagar,
Teynampet, Chennai 600 086.



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6. The Divisional Officer,
Fire and Rescue Services,
Marshalls Road, Egmore,
Chennai 600 008.

7. The Executive Officer,
CMWSSB,
No.75, Santhome High Road,
M.R.C. Nagar, R.A. Puram,
Chennai 600 028.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to accord approval for operation of swimming pool for multi storied residential apartments known as “ADROIT ARTISTICA” constructed in Survey Nos. 439/4A1 and 4A2, Rajiv Gandhi Salai and MGR Salai, Sozhingnanallur Village, Chennai 600 019 based on petitioner's representation dated 23.07.2019.

For Petitioner : Mr. R. Sreedhar

For Respondents : Mr. U.Baraniidharan, (for R1, R5 and R6)
Additional Government Pleader

Mr. E.C.Ramesh, (for R2)

Mr. V.Sudalai Selvan (for R3)

Mr. Azhagu Raman (for R4)

Mrs. K.Vasantha Mala (for R7)
Government Advocate

ORDER



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Heard Mr. R.Sreedhar, Learned Counsel for the Petitioner, Mr. U.Baranidharan, Learned Additional Government Pleader for the First, Fifth and Sixth Respondents, Mr. E.C.Ramesh, Learned Counsel for the Second Respondent, Mr. V.Sudalai Selvan, Learned Counsel for the Third Respondent, Mr. Azhagu Raman, Learned Counsel for the Fourth Respondent and Mrs. K.Vasanthamala, Learned Counsel for the Seventh Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that it had made a representation dated 23.07.2019 to the Second Respondent to accord approval for operation of swimming pool for multi storied residential apartments known as “ADROIT ARTISTICA” constructed in Survey Nos. 439/4A1 and 4A2, Rajiv Gandhi Salai and MGR Salai, Sozhinganallur Village, Chennai - 600019, but as it did not evoke any response, it has necessitated the filing of the Writ Petition.

3. The Second Respondent has filed compliance report dated 24.01.2024 in which it has been stated as follows:-

" 5. I respectfully submit that the planning permission



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approval are issued by Greater Chennai Corporation for Stilt plus three floors up to 12.0m height with maximum area of 10,000 sq.ft and 16 dwelling units. For buildings other than above categories the planning permission are accorded by Chennai Metropolitan Development Authority in Chennai Metropolitan Area.

6. *I respectfully submit that the planning permission for the petitioner's premises has been issued by Chennai Metropolitan Development Authority and subsequently completion certificate has also been issued by Chennai Metropolitan Development Authority.*

7. *I respectfully submit that while issuing completion certificate Chennai Metropolitan Development Authority puts up a condition stating that "Swimming Pool closed and not in use and the same shall be utilized only after obtaining NOC from the competent Authority as per G.O. Ms. No. 97, MAWS Department dated 07.07.2015 for which undertaking given by the applicant". Since, the provisions of Tamil Nadu Combined*



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Development & Building Rules, 2019 does not warrant a separate requisition for issue of NOC for Residential Swimming Pool to operate.

8. *I respectfully submit that after completion of the construction, the petitioner obtained Completion Certificate from CMDA. A letter has been addressed to M/s Adroit Urban Developers Pvt. Ltd., by the Superintending Engineer (Electrical & Planning), Town Planning Department, Greater Chennai Corporation in TP.D.C. No. D1/2569/2023 dated 18.12.2023 informing that as per the provisions of Tamil Nadu Combined Development & Building Rules, 2019 in Annexure - XX for Swimming Pool, there is No separate requisition for issue of NOC for Residential Swimming Pool to operate. The letter was received by M/s Adroit Urban Developers Pvt. Ltd., on 20.12.2023.*

9. *I submit that, Section 2(2) in Annexure XX of the Tamil Nadu Combined Development & Building Rules, 2019 is extracted hereunder for the kind perusal of this Hon'ble Court;*



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***"...2. Application for Permission for construction
and Operation of a Swimming Pool: ...***

*...(2) After completion of the construction of the
residential swimming pool along with the building,
the owner or occupier shall submit an application or
issue of completion certificate for entire premises.*

*There is no separate requisition for issue of N.O.C.
for Residential Swimming Pool to operate."*

That apart, the copy of the letter dated 08.12.2023 from the Superintending Engineer (Electrical and Planning), Town Planning Department, Greater Chennai Corporation to the Petitioner has been produced in which it has been stated as follows:-

*"With reference to your letter cited in the reference (1) it is
hereby informed that as per the provisions of Tamil Nadu
Combined Development & Building Rules, 2019 in Annexure
– XX for Swimming Pool there is No separate requisition for
issue of NOC for Residential Swimming Pool to operate."*

4. In view of the aforesaid action taken, nothing remains for further



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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 the result, the Writ Petition is disposed with the aforesaid observations.

No costs.

24.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 19.03.2024.

pal/gsa

To

1. The Commissioner of Police/ Greater Chennai City
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Vepery, Periyamet, Chennai.
2. The Commissioner,
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5. The Joint Director Public Health and Preventive Medicine Department
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P.D. AUDIKESAVALU, J.

gsa

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