



WP.No.332 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

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E.Premnath

Petitioner

Vs

1. The Government of Tamil Nadu, by its Secretary to Government Housing and Urban Development Department, Chennai-9
2. The Principal Secretary of Municipal Administration, Government of Tamil Nadu, Chennai-9
3. The Member Secretary, Chennai Metropolitan Development Authority Chennai-8
4. The Director/Chairperson, Tamil Nadu Real Estate Regulatory Authority Chennai-8
5. The Chairman, Tamil Nadu Electricity Board, Chennai-2
6. The Commissioner, Greater Chennai Corporation, Chennai
7. The District Collector, Chennai
8. The Chief Executive Officer, Chennai Metropolitan Development Authority Chennai-8
9. The Commissioner of Police, Avadi, Chennai-54
10. The Zonal Officer, Greater Chennai Corporation, Zone VII, Chennai-53
11. The Director, Fire and Rescue Service Department Chennai-8



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12. Ramky Wavoo Developers Private Limited, by its
Managing Director Habibullah @ Wavoo Syed Abdur Rahman Habibullah
Chennai-29 Respondents

Prayer:- This Writ Petition has been filed, under Article 222 of the Constitution of India, to issue a Writ of Mandamus to direct the Respondents 3, 6, 8 and 10 to consider and dispose of the representations dated 17.10.2023 and 18.10.2023 to reinspect the building, identify the deviations and, unauthorisedly and illegally constructed areas in multi storey residential apartment named as “LEMONGRAZ APARTMENT” at Chennai District old Thiruvallur District, Ambattur Taluk, Chennai Corporation, 7th Zone, Kallikuppam, Hamlet of Korattur Village, old S.No.751/1 and 2A, TS.No.13/1, measuring an extent of 5300 sq.m. Equivalent to 57023 sq.ft. and restore the amenities as per the approved plan.

For Petitioner : Mr.B.Dilli Babu

For Respondents : Mr.R.Vigneshwaran, GA-RR1, 2 and 7
Mr.R.Muniyapparaj, APP-RR9 & 11
Mr.Y.Bhuvanesh Kumar-RR3 & 8
Mr.Mohamed Fayaz Ali-R12
Mr.D.B.R.Prabhu, Standing Counsel-RR6&10

ORDER

(Order of the Court was made by S.S.SUNDAR, J.)

1. This Writ Petition has been filed to issue a Writ of Mandamus to direct the Respondents 3, 6, 8 and 10 to consider and dispose of the representations dated 17.10.2023 and 18.10.2023 to reinspect the building, identify the deviations and unauthorisedly and illegally constructed areas in multi storey residential apartment named as “LEMONGRAZ APARTMENT” at Chennai District old Thiruvallur District, Ambattur Taluk, Chennai Corporation, 7th Zone, Kallikuppam, Hamlet of Korattur Village, old S.No.751/1 and 2A,



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TS.No.13/1, measuring an extent of 5300 sq.m. Equivalent to 57023 sq.ft.

and restore the amenities as per the approved plan.

2. This Court heard the learned counsel for the Petitioner and the learned counsel for the Official Respondents and also perused material records placed before this Court.
3. This appears to be a vexatious litigation by a flat owner, who is aggrieved against the other flat owners, who are residing in the “LEMONGRAZ APARTMENT”. The prayer in this Writ Petition is for issuance of a Writ of Mandamus to direct the Official Respondents to consider the representations of the Petitioner and to reinspect the building, identify the deviations and unauthorisedly and illegally constructed areas in the multi storey residential apartment, by name 'LEMONGRAZ APARTMENT’ and restore the amenities as per the approved plan. The Petitioner sent a representation dated 17.10.2023, praying to the competent authorities to take the following actions:-

“1.Take disciplinary action against the police officials who had harassed and humiliated me and my family, and order to the station house Officer and his police team not to harass me or my family and association Members any more and interfere in civil matters and allow us to worship the Hindu Gods.

2. That the State Human Rights Commission shall take note of the above matter and take necessary actions to protect my constitutional rights and my liberty to live peacefully.

3, That to make such orders to reinspect the Lemongraz apartment complex and identify the deviations in plan approvals issued by the CMDA , TN RERA and Tamil Nadu building Planning Authorities and to seal and demolish the illegal and unauthorisedly constructed area and restore the amenities as per the approved plan.



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4. That to make such orders to cancel the fire licence with immediate effect and to order for an enquiry regarding the issuance of fire licence without the proper compliance and rules and penalise the builder for the illegal act, non compliance and compromising the safety of the community. Thereafter make an order to the builder to install proper fire system in place, which will save the humans living in the Lemongraz Apartment Complex. Only then the licence to be issued.”

4. The Petitioner in the representation projected himself as the President of the Lemongraz Apartment Owners Association and his representation was against the Builder and the other owners of the apartments. Even though the Petitioner states that the construction put up by the Builder is in deviation of the building rules, the prime purpose behind this litigation and the representation is to take action against the Police Officers, who harassed the Petitioner and for further action against the Official Respondents to protect the constitutional rights of the Petitioner.
5. The Petitioner has also prayed for inspection to be made by the Official Respondents regarding the violation of the building rules according to the building plan approval issued by the Chennai Metropolitan Development Authority and TN RERA. The Petitioner, unmindful of the legal consequences of granting any relief as prayed for, has gone to the extent of asking for demolition of the illegally and unauthorisedly constructed areas of the building as well as for restoration of the amenities. The Petitioner has an alternative and efficacious remedy of approaching the civil court for restoration of any of the amenities as it was promised by the Builder in accordance with the construction agreement. The Petitioner has not even



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impleaded the other owners.

6. The Petitioner's prayer in the representation clearly indicates that he has some grievance against the neighbours who have also purchased flats in the same apartment. This Court finds that the litigation is aimless and hence, unable to entertain the same. However, leaving it open to the Petitioner to approach appropriate forum, this Writ Petition is liable to be dismissed for want of bona fides. However, it is open to the Official Respondents to inspect the building for any violation and take appropriate action. The fact that the Official Respondents have given completion certificate is not in dispute. In such circumstances, unless there is a cause for the Official Respondents to take action against the construction, they need not be sensitised and no direction is issued in this Writ Petition to consider the representation of the Petitioner.

7. With the above directions, this Writ Petition is dismissed. No costs.

(S.S.S.R.J.) & (N.S.J.)
10.06.2024

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation: Yes/No
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S.S.SUNDAR, J.
and
N.SENTHILKUMAR, J.

Srcm

To

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