



WP No. 5796 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-04-2025

WEB COPY

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

WP No. 5796 of 2025

1. Casa Grande Bellissimo Owners /
Residents Association
Rep. By Its President Having Office At
Cpwd Quarters, Kannan Colony,
Alandur, Chennai-600 016.

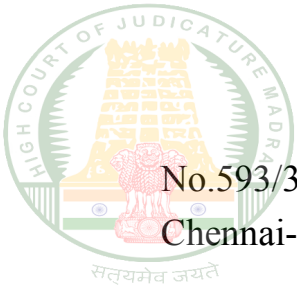
Petitioner(s)

Vs

1. The Chennai Metropolitan Development
Authority (CMDA), Rep. By Its Member
Secretary, Thalamuthu Natarajan House,
No.01, Gandhi Irwin Rd, Ansari Estate,
Egmore, Chennai-600 008

2.Senior Planner (enforcement)
The Chennai Metropolitan Development
Authority, Thalamuthu Natarajan House,
No.01, Gandhi Irwin Rd, Ansari Estate,
Egmore, Chennai-600 008.

3.M/s.Casa Grande Civil Engineering
Private Limited, Rep. By Its Authorised
Signatory Npl Devi, New No.111/3, Old



No.593/3, L B Road, Thiruvannmiyur,
Chennai-600 041.

WEB COPY

4.Arun Manivannan Namachivayam
Director M/s.Casa Grade Civil Engineerign
Pvt. Ltd., Npl Devi, New No.111/3, Old
No.593/3, L B Road Thiruvannmiyur,
Chnnai-600 041.

Respondent(s)

PRAYER

To consider the petitioner's representation dated 12.09.2024 and consequently to direct the 1st respondent to conduct an enquiry on the basis of the said representation mandating the 3rd respondents compliance with the approved plan by the rectifying deviations pointed out by the writ petitioner, within the time period stipulated by this Honourable Court.

For Petitioner(s): Mr.Anish Gopi

For Respondent(s): Mr. R. Sivakumar,
Standing Counsel for CMDA
For RR1 & 2

Mr.S.Mukunth, Senior Counsel
for Mr.C.P.Hemkumar
For M/s. Ganesh And Ganesh
For RR3 & 4

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The writ of mandamus has been instituted to direct the respondents to consider the petitioner's representation dated 12.09.2024 and consequently to direct the 1st respondent to conduct an enquiry on the basis of the said



representation mandating the 3rd respondent's compliance with the approved plan by the rectifying deviations pointed out by the writ petitioner, within the time period stipulated by this Court.

2. With reference to the complaint made by the petitioner's Association, this Court directed the CMDA authorities to submit a report. Accordingly, the Senior Planner, EC submitted a status report on 24.03.2025. The report mainly speaks about three deviations/conversions as under:

“vi. The existing Block-4 consisting of the Ground Floor, the entire Non-FSI area on the Ground Floor has been converted in to Habitable use such as indoor games, Party Hall, and AV Room which is in contravention to the approved plan.

Vii. Over Head Tank at an size of 1.50 m x 3.10 m in Block-1 (9 Nos.), Block-2 (4 Nos.) & Block-3 (4 Nos.) in Terrace floor has not been constructed which is contravention to the approved plan, whereas underground domestic water sump is provided as per the approved plan at below ground level. The water supply is effected through pneumatic system.

Viii. 1/3rd area of the Solar Voltaic System in all Blocks of the Terrace Floor has not been installed which is in contravention to the approved plan.

Based on the inspection, the Form-IV Notice for



WEB COPY

compliance of Planning Permission in respect of deviations/violations carried out in contravention of Planning Permission under the provision of Tamil Nadu Town & Country Planning Act, 1971 will be issued in due course.”

3. Mr.Sivakumar, learned counsel appearing on behalf of the CMDA would submit that the alleged deviations are relating to certain services and amenities to be provided for the residence in that blocks. Such deviations can either be resolved by negotiating with the builder by the petitioner's Association or in alternate, they can approach the competent forum for the purpose of establishing deficiency in service or otherwise.

4. This Court is of the opinion that such small complaints regarding providing of amenities/facilities can be resolved between the parties in order to develop confidence and to maintain the reputation of the builders. The builders are also expected to rectify such inconveniences if any caused to the residence. However, High Court cannot adjudicate such disputed facts and more so, there is no major violation regarding the building plan approval granted by the CMDA even as per the status report filed by the CMDA. That being the factum,



the petitioner's Association is at liberty to resolve the issues in the manner known to law.

WEB COPY

5. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs.

(S.M.SUBRAMANIAM J.) (K.RAJASEKAR J.)
23-04-2025

ssi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

WP No. 5796 of 2025

To

1.The Chennai Metropolitan
Development Authority (cmda)
Rep. By Its Member Secretary,
Thalamuthu Natarajan House, No.01,
Gandhi Irwin Rd, Ansari Estate,
Egmore, Chennai-600 008

2.Senior Planner (enforcement)
The Chennai Metropolitan
Development Authority, Thalamuthu



WP No. 5796 of 2025



Natarajan House, No.01, Gandhi Irwin
Rd, Ansari Estate, Egmore,
Chennai-600 008.

WEB COPY

3.M/s.Casa Grande Civil Engineering
Private Limited
Rep. By Its Authorised Signatory Npl
Devi, New No.111/3, Old No.593/3, L
B Road, Thiruvanmiyur,
Chennai-600 041.

4.Arun Manivannan Namachivayam
Director M/s.Casa Grade Civil
Engineerign Pvt. Ltd., Npl Devi, New
No.111/3, Old No.593/3, L B Road
Thiruvanmiyur, Chnnai-600 041.



WEB COPY

WP No. 5796 of 2025



S.M.SUBRAMANIAM J.
AND
K.RAJASEKAR J.

ssi

WP No. 5796 of 2025

23-04-2025