



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-08-2025

WEB COPY

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

WP No. 11726 of 2025

1. Nirmala Ramarathinam
No.1a, First Floor, Park Plaza Apartments,
New No. 13, Coats Road, T.Nagar, Chennai- 017.
- 2.V.S.Ramamoorthy
2b, Second Floor, Park Plaza Apartments,
New No. 13, Coats Road, T.Nagar, Chennai- 017.
- 3.S.Rajashekar
1b, First Floor, Park Plaza Apartments,
New No. 13, Coats Road, T.Nagar, Chennai- 017.
- 4.K.Thirupurasundari
3b Third Floor, Park Plaza Apartments,
New No. 13, Coats Road, T.Nagar, Chennai- 017.
- 5.Vijayalakshmi Sitaraman
1d, First Floor, Park Plaza Apartments,
New No. 13, Coats Road, T.Nagar, Chennai- 017.
- 6.P.J.Ravi
1c, First Floor, Park Plaza Apartments,
New No. 13, Coats Road, T.Nagar, Chennai- 017.
- 7.Haripriya Rajasekar
3a, Third Floor, Park Plaza Apartments,
New No. 13, Coats Road, T.Nagar, Chennai- 017.
- 8.A.Sudhakar Reddy



3c And 3d, Third Floor, Park Plaza Apartments,
New No. 13, Coats Road, T.Nagar, Chennai- 017.

9.M.Parimala

2a, Second Floor, Park Plaza Apartments,
New No. 13, Coats Road, T.Nagar, Chennai- 017.

10.S.Jyothsna

2d, Second Floor, Park Plaza Apartments,
New No. 13, Coats Road, T.Nagar, Chennai- 017.

11.Dhanwan Securities Pvt Ltd

2c, Second Floor, Park Plaza Apartments,
New No. 13, Coats Road, T.Nagar, Chennai- 017.

Petitioner(s)

Vs

1. Member Secretary

Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building, No.1, Gandhi
Irwin Road, Egmore, Chennai- 08.

2.The Commissioner

Greater Chennai Corporation, Chennai-03

3.Zonal Executive Engineer (zone X)

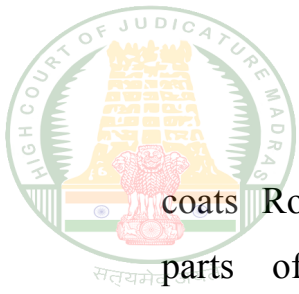
No.64, Nsk Salai, Kodambakkam, Chennai- 24.

4.Dr.Veena Rao

C/o.Dr. Vivek Maddy, R.K.Malathy Hospital,
228/863, Poonamalli High Road, Opp.G3 Police
Station Kilpauk, Chennai-10.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 2nd and 3rd Respondents to remove the unauthorised construction put up in the form of walls by the 4th Respondent enclosing the stilt car parking area measuring about 2500 Sq. ft., in the Ground Floor of park plaza Apartment situated at Door No. 13/6, (7/6)



coats Road, T.Nagar, Chennai- 600 017 comprised in S.Nos. 103/6 and 103/7 parts of T.Nagar Village, T.S. No. 5290, Block No.120 within the Sub Registration District of T.Nagar and Registration District of Chennai South and restore the stilt car parking belonging to the petitioners commonly and jointly.

For Petitioner(s): S.Subramanian

For Respondent(s): Mr. Akhil Akbar Ali,
Standing Counsel For R1

Mr. A. Arun Babu,
Standing Counsel For R2 & R3

ORDER

(Order of the Court was made by J.Nisha Banu J.)

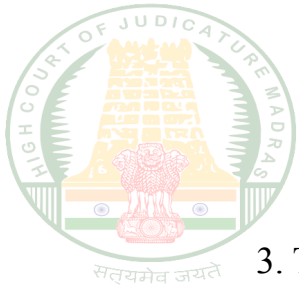
This writ petition has been filed seeking direction to the 2nd and 3rd Respondents to remove the unauthorised construction put up in the form of walls by the 4th Respondent enclosing the stilt car parking area measuring about 2500 Sq. ft., in the Ground Floor of park plaza Apartment situated at Door No. 13/6, (7/6) coats Road, T.Nagar, Chennai- 600 017 comprised in S.Nos. 103/6 and 103/7 parts of T.Nagar Village, T.S. No. 5290, Block No.120 within the Sub Registration District of T.Nagar and Registration District of Chennai South and restore the stilt car parking belonging to the petitioners commonly and jointly.

2. The petitioners are the owners of their respective flats in the Park



WEB COPY

Plaza Apartments, New No.13, Coats Road, T.Nagar, Chennai-17. According to the petitioners, originally one Mrs.Bharthi Bai had entered into a joint venture agreement with a builder namely M/s Krishnaswamy & Co., to construct apartments in the land measuring to an extent of 4830 sq.f. situated in the above mentioned address. The builder, after obtaining necessary approval from the competent authorities had completed the construction of 'Park Plaza Apartment' comprising of stilt car parking plus 12 Apartments in three floors. The stilt car parking is a common area belonging to all the independent flat owners of the said apartment. The builder, in violation of the approved sanctioned plan, has raised an unauthorised construction by erecting walls on all sides of the car parking area and started utilising the same for his own use. Consequently, the apartment owners are forced to park their vehicles in the setback area, which is meant for free ingress and egress for the residents of the apartment. Despite repeated requests made by the apartment owners to allocate car parking area, the builder failed to comply, instead, went to the extent of renting out the said area illegally. After demise of the builder, his daughter, 4th respondent herein continued to rent out the said place to third parties. The petitioners submitted a representation dated 28.08.2023 to the 2nd respondent seeking necessary action to remove the unauthorised construction put up by the 4th respondent's father. Though the respondents 2 and 3 were directed by the first respondent to take enforcement action, there was no response from them. Hence this writ petition.



WEB COPY

3. The third respondent filed a status report stating that, as per the order of this court dated 03.04.2025, the building was inspected along with officials. While inspection, the petitioners furnished approved plan issued by the first respondent in PA No.201/1981, dated 07.04.1981 to construct a residential building consisting of stilt floor, first floor, 2nd floor and 3rd floor. As per the circular issued by the CMDA, dated 02.12.2016 in Proc.No.RT/19948/2011, the first respondent is the competent authority to take further enforcement action against the 4th respondent, if there is any deviation/violation in the building.

4. Heard the learned counsel appearing for the petitioners and the learned Standing Counsel appearing for the official respondents.

5. Considering the limited scope of prayer, without expressing any opinion on merits, we are inclined to dispose of the writ petition by directing the first respondent to consider the representation of the petitioners dated 28.08.2023 and to take necessary action, in accordance with law, after affording opportunity of personal hearing to the petitioner as well as the 4th respondent, within a period of twelve weeks from the date of receipt of copy of the order.

6. With the above directions, this writ petition stands allowed. There shall be no order as to costs.



WEB COPY

(J.NISHA BANU J.)

(M.JOTHIRAMAN J.)

01-08-2025

Index: Yes/No

Internet: Yes

Neutral Citation: Yes/No

MST

To

1.Member Secretary
Chennai Metropolitan Development
Authority, Thalamuthu Natarajan
Building, No.1, Gandhi Irwin Road,
Egmore, Chennai- 08.

2.The Commissioner
Greater Chennai Corporation, Chennai-
03

3.Zonal Executive Engineer (zone X)
No.64, Nsk Salai, Kodambakkam,
Chennai- 24.

4.Dr.Veena Rao
C/o.Dr. Vivek Maddy, R.K.Malathy
Hospital, 228/863, Poonamalli High
Road, Opp.G3 Police Station Kilpauk,
Chennai-10.



WEB COPY

W.P.No.11726 of 2



**J.NISHA BANU J.
AND
M.JOTHIRAMAN J.**

MST

WP No. 11726 of 2025

01.08.2025