



W.P.No.21816 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.07.2025

C O R A M

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

W.P.No.21816 of 2025

Jawahar Raj
S/o. Rathinasmy M Flat S1 Antella Apartment,
Plot No. 11/13 Muthuramalingam Street,
East Tambaram

...Petitioner

Versus

1. The Additional Secretary
To The Government
Housing And Urban
Development Department,
Secretariat, Chennai 600 009.

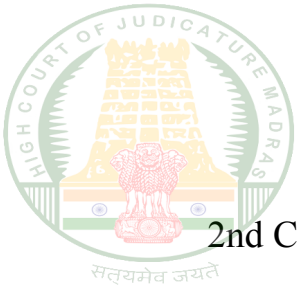
2. The Member Secretary
Chennai Metropolitan Development Authority,
Chennai

3. The Commissioner
Tambaram Corporation, Tambaram, Chennai

4. J K Builder
Rep By Partner P Lilly J Salomon No. 13
Saraswathipuram 2nd Cross Street, Chennai
600 044.

5. Palanisamy A
S/o. Arumugam Plot No. 13 Flat No. F1 And S
1 1st And 2nd Floor, No 13 Saraswathipuram

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2nd Cross Stret, Cehnnai 600 044.

6. E. Gnana Prakasam

S/o. Ekamparam, Plot No. 13 Flat No. S3 2nd
Floor, No. 13 Saraswathipuram 2nd Cross St,
Chennai 600 044.

7. Sulochana G

W/o. I. Muthuvel No. 10 2nd Street, First
Cross, Selvan Nagar, Tiruchirapalli 620 001.

8. Kaanaga Raj K

S/o. Kannan No. 117 A Type 2 Quarterz Block
6 Neyveli Towh Shop, Kurunjipadi Taluk,
Cuddalore District

.... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent pertaining to the impugned order dated 12.03.2025 bearing Letter No.8369699/UD-VII(1)/2024-3, quash the same as arbitrary and illegal and consequently, direct the respondents 1 to 4 to take appropriate action against the 4th respondent builder for deviation/violation of approved plan and demolish or remove such a deviation/violation and ensure the completion of construction of the building at Lignite Apartment Plot No.13 Saraswathypuram 2nd Cross Street, Survey No.309/18, Thirunnermalai village, Alandur as per original approved plan permit P.P.No.52/2010, Pammal Municipality within a stipulated time.

For Petitioner(s): Mr.P.R.Thiruneelakandan



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For Respondent(s): Mr. M.venkateswaran, Spl.G.P.
For R1
Mr. Akhil Akbar Ali, Standing
Counsel for R2
Mr.P.Shiva, St.counsel for R3

ORDER

(By *J.Nisha Banu,J.*)

This Writ Petition has been filed, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent pertaining to the impugned order dated 12.03.2025 bearing Letter No.8369699/UD-VII(1)/2024-3, quash the same as arbitrary and illegal and consequently, direct the respondents 1 to 4 to take appropriate action against the 4th respondent builder for deviation/violation of approved plan and demolish or remove such a deviation/violation and ensure the completion of construction of the building at Lignite Apartment Plot No.13 Saraswathypuram 2nd Cross Street, Survey No.309/18, Thirunnermalai village, Alandur as per original approved plan permit P.P.No.52/2010, Pammal Municipality within a stipulated time.

2. According to the petitioner, he entered into a construction



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agreement dated 30.09.2010 with the 4th respondent herein for purchase of Flat S2 for a total cost of Rs.29,39,000/-, however, the 4th respondent despite receipt of the total consideration, completed only 65% of the construction and also violated the approved plan by encroaching upon common area, constructed an unauthorized unit (Flat G1) which led to reducing the plinth area of the petitioner's flat S2 and denial of access, which prompted the petitioner to move a Writ Petition in W.P.No.2444 of 2018, wherein, this Court, vide order dated 25.4.2023, directed the 3rd respondent therein to inspect the building in question and take appropriate action if any unauthorized construction was made. Pursuant to the said order, Tambaram City Municipal Corporation, inspected the building and issued lock & seal and demolition notices and also stop work notices. While so, instead of rectifying the deviations, the builder filed a revision petition before the 1st respondent, seeking approval for development, which was considered and without obtaining consent of the flat owners, issued impugned order, dated 17.03.2025, permitting the 4th respondent to proceed with the development. Challenging the same, the petitioner has come forward with the present Writ Petition.



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3. Admittedly, there were deviations which were found by the Officials of Tambaram City Municipal Corporation during inspection conducted on 19.05.2023 pursuant to the orders of this Court and also issued notices for lock & seal, demolition and stop work. Therefore, the impugned order permitting redevelopment without insisting upon rectifying the deviations, in our view, cannot be sustained. The 4th respondent first ought to have rectified the deviations and set right the building as per the approved plan and thereafter, can seek for redevelopment. Permitting the redevelopment without rectifying the deviations, is nothing but allowing the continuation of illegal constructions, which undermines the purpose of building regulations and town planning schemes.

4. Therefore, the impugned order, dated 12.03.2025 passed by the 1st respondent is set aside. It is needless to state that the official respondents shall proceed with the matter for rectification of the deviations in respect of

NISHA BANU, J.
AND
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which, already notices were issued. Before allowing redevelopment, the authorities are directed to ensure that the deviations are rectified.

5. Accordingly, the Writ Petition is allowed. No costs.

(J.N.B.J.) (M.J.R,J.,)
24.07.2025

Index: Yes / No

Internet: Yes / No

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To

1. The Additional Secretary To The Government
Housing And Urban Development Department, Secretariat,
Chennai 600 009.

2. The Member Secretary
Chennai Metropolitan Development Authority, Chennai

3. The Commissioner
Tambaram Corporation, Tambaram, Chennai

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