



WEB COPY

WP No. 21461 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2025

CORAM

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

**W.P. No. 21461 of 2025
and W.M.P.No.24240 of 2025**

1. Roshan Dominic Jude Rayen,
S/o Francis Joseph Rayen, Flat No 1,
Redbrick Leela Apartment, Old No 36
New No 30, Tank Bund Road,
Nungambakkam, Chennai 34

2.Lourdes Joavani
W/o Roshan Dominic Jude Rayen, Flat
No 2 Redbrick Leela Apartment, Old
No 36, New No 30 Tank Bund Road,
Nungambakkam Chennai 34.

Petitioner(s)

Vs

1. The Member Secretary
Chennai Metropolitan Development
Authroity, Thalamuthu Natarajan
Maaligai, Egmore, Chennai 600 008

Respondent(s)



PRAYER

The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the Respondent to dispose of the petitioners' representation dated 30.05.2025 and to re-inspect the premises situated at Redbrik Leela Apartment, Rs. No 563/20, 22, 7, Block No 33, Door No 36, Tank Bund Road, Nungambakkam, Chennai 34.

For Petitioner(s): Mr. Haja Mohideen Gisthi

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

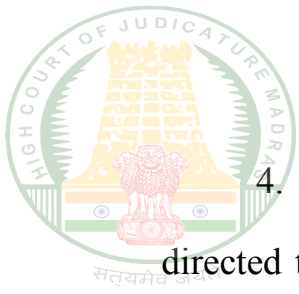
ORDER

(Order of the Court was made by J.NISHA BANU, J.)

The present Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondent to dispose of the petitioners' representation dated 30.05.2025.

2. It is averred in the writ petition that the petitioners are dentist by profession and in the flat purchased by them in the premises situated at Redbrik Leela Apartment, Rs. No 563/20, 22, 7, Block No 33, Door No 36, Tank Bund Road, Nungambakkam, Chennai 34, they are running a clinic.

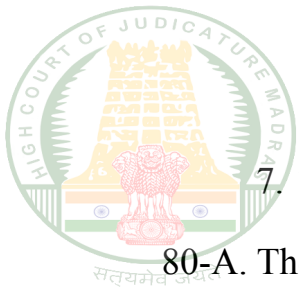
3. According to the petitioners, respondent-CMDA had sent an unauthorised/deviated construction notice dated 13.02.2024. The petitioners filed appeal as against the said notice before the Housing and Urban Development Department.



4. The Additional Secretary (Technical), by order dated 10.09.2024, directed the CMDA to issue revised LSD notice to the revision petitioner/writ petitioners indicating the correct usage approved in the ground floor of the building as per the approved plan obtained in P.P.No.B/B2/PP/Spl.Bldg./104/1997 in letter No.B2/26238/1996 dated 12.03.1997 and then proceed to take necessary further action against the clinic in the ground floor and the unauthorised structures put up in the setback spaces by the revision petitioner after expiry of the statutory time prescribed in the fresh notice directed to be issued supra.

5. The petitioners further averred that on 24.12.2024, CMDA officials have come to their flat and sealed the premises. Since the alleged notice dated 19.10.2024 has not been received by the petitioners, they filed W.P.No.454 of 2025. This court by order dated 20.01.2025, found that there was no proper notice before the locking and sealing of the premises and allowed the writ petition. This court further directed the respondents to remove the lock and seal forthwith. Further directed the respondents to proceed afresh in accordance with law.

6. Thereafter, the respondent issued notice dated 05.03.2025 for compliance of planning permission in respect of unauthorised development carried out in contravention of planning permission to the petitioners within 30 days.



7. The petitioners filed Revision Petition to Government under Section 80-A. The said revision was disposed of by the Additional Secretary (Technical) by order dated 22.05.2025, whereby, the revision petitioners/writ petitioners herein were granted 3 months time to rectify the deviations/violations as per approved plan or to obtain revised planning permission from Chennai Metropolitan Development Authority for the existing building satisfying Tamil Nadu Combined Development and Building Rules, 2019. Further directed the CMDA to pursue further enforcement action if the revision petitioners failed to comply with the above orders within the time specified.

8. The learned counsel for the petitioners would submit that after the receipt of the order of the Additional Secretary (Technical), Tamil Nadu Housing and Urban Development Department, the petitioners given a representation dated 30.05.2025 to the respondent-CMDA stating that the they have complied with the rectification in respect of unauthorised construction and further sought for re-inspection. The learned counsel would submit that the respondent may be directed to consider the representation of the petitioners dated 30.05.2025 and pass orders in accordance with law.

9. Heard the learned counsel appearing for the petitioner and Mr.Akhil Akbar Ali, learned Standing Counsel appearing for the respondent.



10. Taking into consideration the overall facts and the present prayer of the writ petitioners, without going into the merits of the case, this Court directs the respondent/Member Secretary, Chennai Metropolitan Development Authority, Chennai, to inspect the subject premises and to verify whether the rectification has been done in accordance with the plan, in the presence of the petitioner within a period of two weeks from the date of receipt of a copy of this order and if the building is not in accordance with the planning permission, the authority shall take further course of action in the manner known to law. Such an exercise shall be completed by the authority within a period of twelve weeks thereafter.

11. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

(J.NISHA BANU J.)(M.JOTHIRAMAN J.)

18-06-2025

ASI/nvsri

To

The Member Secretary
Chennai Metropolitan Development
Authority, Thalamuthu Natarajan
Maaligai, Egmore, Chennai 600 008.



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