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WP No. 26449 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 22-07-2025**

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**THE HONOURABLE MRS.JUSTICE N. MALA**

**WP No. 26449 of 2025**

Chennai Sheltrex Homebuyers Welfare Association,  
(CSHBWA)

Rep. by its President,

Shri.G.Palanichamy, H-35/H, 8<sup>th</sup> Avenue,

Manthope Colony, Ashok Nagar, Chennai- 600 083.

Petitioner(s)

Vs

The Director,

Directorate of Town and Country Planning (DTCP),

New Collectorate Complex, 4<sup>th</sup> Floor, D Block,

Vedhanaryanapuram, Chengalpattu-603 111.

Respondent(s)

Writ Petition is filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus, directing the respondent to consider the representation dated 21.06.2025 sent by the petitioner and to consequently process the application of the petitioner excluding consent from the individuals who have not filed their claim having lost their legal right by operation of law.

For Petitioner(s): Mr.Kaushik N Sharma  
for KNS Law Chambers

For Respondent(s): Mr.V.Manoharan, AGP

**ORDER**

The above writ petition is filed for a Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 21.06.2025, and consequently process the application of the petitioner, excluding consent from the individuals, who have not filed their claim having lost their right by operation of law and pass further other orders.

2. The petitioner, Chennai Sheltrex Homebuyers Welfare Association (CSHBWA), which was engaged in the development of residential housing projects entered into a Joint Development Agreement on 09.04.2014, with M/s.Bhalakh Realtors Private Limited, for construction of residential units over lands measuring 25 acres, in Appur Village, Kanchipuram District. The entire residential project was planned to be developed in three phases and Phase I of the project involved development of 3.57 acres (i.e) (1,55,510 sq.ft). Eventhough substantial payments were made by the home buyers in advance, and several opportunities were given to complete the construction, the Corporate Debtor failed to honour its obligations. Therefore Corporate Insolvency Resolution Process (CIRP) was initiated and by order dated



10.12.2019, NCLT, Chennai, in IBA/889/2019, appointed a Resolution

Professional (RP). The homebuyers collectively formed the above Association,

and submitted a Resolution plan which was approved by the order dated

16.07.2024 of NCLT in IA(IBC)/1729(CHE)/2023 in IBA/889/2019. The

petitioner was declared the Successful Resolution Applicant (SRA) and as per

the Resolution Plan, the petitioner approached all the home buyers and

identified an investor, and also paid the entire dues to the creditors of the

Corporate Debtor. The Resolution Plan mandated the SRA to secure layout

approval from the DTCP, the Respondent herein, and to execute documentation

for allotment and registration of residential plots in favour of homebuyers

whose claims had been admitted in the CIRP. The petitioner's after due

verification of the Encumbrance Certificate, found that the names of the certain

individuals who had failed to file their claim during the CIRP, were reflected in

the EC. Hence, a formal representation was submitted on 21.06.2025, to the

respondent to process the petitioner's application for layout approval dispensing

with the NOCs or consents of individuals who did not file their claim during

CIRP. The respondent failed to respond to the petitioner's representation dated



21.06.2025, and hence the petitioner filed the above writ petition for the aforesaid relief.

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3. The learned counsel for the petitioner submitted that he would restrict his prayer for consideration and disposal of the petitioner's representation, dated 21.06.2025, within the time fixed by this Court.

4. Heard both the learned counsels and perused the materials placed on record. With the consent of both the learned counsels, the main writ petition is taken up for final disposal at the admission stage itself.

5. In view of the limited prayer of the learned counsel for the petitioner, and without going into the merits of the case, a direction is issued to the respondent, to consider the petitioner's representation dated 21.06.2025, on merits and in accordance with law, within a period of eight (8) weeks, from the date of receipt of a copy of this order.

Writ petition is accordingly disposed of. However, there shall be no order as to costs.

dsn

**22-07-2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

The Director,

Directorate of Town and Country Planning (DTCP),

New Collectorate Complex, 4<sup>th</sup> Floor,

D-Block, Vedhanaryanapuram,

Chengalpatttu District- 603 111.

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**N.MALA J.**

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