



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2025

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

W.P.No.24829 of 2025

M/s.Anand Raj Villa Flat Owner's Association,
Rep by its Secretary,
Mr.B.Nagarajan,

.. Petitioner

Vs.

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
- 2.The Sub Registrar,
O/o. the SRO, Adyar,
No.151 (71/6), TNHB Building, 3rd Floor,
L.B.Road, Dr.Muthulakshmi Salai,
Thiruvanmiyur, Chennai-600 041.
- 3.M/s.Anand Raj Builders,
Rep. by its Proprietor,
Mr.S.Natarajan,
S/o. V.Swaminathan,
No.15, Shanmugaraja Road, Karikudi, Sivagangai-630 001.
- 4.Mr.S.Natarajan
- 5.Mr.V.Natarajan
- 6.Mr.D.Venkatraman



7.M/s.Rank Insurance Surveyors
and Loss Assessors Private Ltd,
Rep. by its Director,
Mr.D.Venkatraman, S/o.S.Dandapany,
Flat No.C, Ground Floor, Anand Raj Villa Flat,
Door No.7, 2nd Cross Canal Road,
Gandhi Nagar, Adyar, Chennai-600 020.

8.K.Sridharan

9.Rukmini Varadarajan .. Respondents

PRAYER Writ Petition filed under Article 226 of the Constitution of India, praying for a issuance of a Writ of Mandamus directing the 1st respondent to remove the unauthorised constructions put up in the Non-FSI area of the apartment constructed in property bearing Door No.7, 2nd Canal Cross Road, Gandhi Nagar, Adyar, Chennai-600 020, comprised in Survey Nos.49 & 50.

For Petitioner :Ms.Ramya Muralikumaran
for M/s.McGan Law Firm

For Respondents : Mr.Akil Akbar Ali for R1

ORDER

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

This Writ Petition is filed for a Mandamus directing the 1st respondent to remove the unauthorised constructions put up in the Non-FSI area of the apartment constructed in property bearing Door No.7, 2nd Canal Cross Road, Gandhi Nagar, Adyar, Chennai-600 020, comprised in Survey Nos.49 & 50.



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2. It is the case of the petitioner that the flat owner's association of the apartments was promoted in the name and style of "Anand Raj Villas", consisting of 22 flats. Initially at the time of sale of the apartments, the 4th respondent, who is the Power of Attorney of the original land owners, with the connivance of the original land owners, sold the undivided share of the land to one Mr.Subbiah, close relative to the 4th respondent, without any corresponding built-up area. The said Subbiah re-conveyed the said undivided share of land to the 7th respondent, who was the husband of one of the original land owners. Since there was no corresponding built-up area, the Non-FSI area in the basement, which was earmarked for "lift pit" "store" "watchman room", "MES" was converted into commercial space and in the said area earmarked for "lift pit" "store" "watchman room", "M.E.S.", the 7th respondent is running a boutique. According to the petitioner, the 4th respondent had also illegally retained 1,418.52 sq.ft. of undivided share of the land at the time of sale of the apartments. Apart from that, one Mr.D.Venkataraman, the 5th respondent had put up unauthorised wall in the front set back area blocking the free access to the other apartment owners and to remove the said unauthorised construction, the petitioner has also sent a representation to the 1st respondent. Since the representation of the petitioner did not evoke any kind of response, the petitioner is constrained to file the present writ petition.



3. Heard the learned counsel for the parties and perused the materials on record.

4. A perusal of the affidavit filed in support of this writ petition would disclose that various flat owners of the petitioner's Association, some of them being the respondents herein, alleged to have indulged in illegal conveyance of undivided share of lands, put up unauthorised constructions in the set back area and in the basement, which led the petitioner to give representation dated 18.11.2024 before the first respondent to take action on the unauthorised construction put up on the Non-FSI area.

5. Considering the facts and circumstances of the case and also the submissions made by the learned counsel for both parties, we deem it fit that it would suffice to direct the first respondent/ Chennai Metropolitan Development Authority, to consider the petitioner's representation dated 18.11.2024 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner as well as the private respondents and also affording them an opportunity of personal hearing. Such exercise shall be done by the respondents within a period of twelve (12) weeks from the date of receipt of a copy of this order.



6. This Writ Petition is disposed of accordingly. There shall be no order as to costs.

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(J.NISHA BANU J.) (M.JOTHIRAMAN J.)
14-07-2025

mst

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1.The Member Secretary
Chennai Metropolitan Development
Authority, Thalamuthu Natarajan
Maaligai, No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.The Sub Registrar
O/o.The Sro, Adyar, No.161 (71/6)
Tnhb Building 3rd Floor, L.B.Road,
Dr.Muthulakshmi Salai Thiruvannamipur,
Chennai-600 041.

3.M/s.Anand Raj Builders,
Rep. By Its Proprietor S.Natarajan,
S/o.V.Swaminathan, No.15,
Shanmugaraja Road, Karaikudi
Sivagangai-630 001. Also Residing At
Anand Raj Villa Flat, New No.7, 2nd
Canal Cross Road, Gandhi Nagar,
Adyar, Chennai-600 020.

4.S.Natarajan
S/o.V.Swaminathan, No.15,



Shanmugaraja Road, Karaikudi,
Sivagangai-630 001. Also Residing 14,
Sriman Srinivasan Road, Alwarpet,
Chennai-600 018.

5.V.Natarajan
S/o.E.Vinayakamurthy, Flat No.B4,
33, Periyar Salai, Chennai-600 018.
Also Residing At 14, Sriman
Srinivasan Road, Alwarpet, Chennai-
600 018.

6.D.Venkatraman
S/o.S.Dandapany, Flat No.C, Ground
Floor, Anand Raj Flats, Door No.7,
2nd Cross Canal Road, Gandhi Nagar,
Adyar, Chennai-20.

7.M/s.Rank Insurance Surveyors And
Loss Assessors Private Ltd.,
Rep. By Its Director D.Venkatraman,
S/o.S.Dandapany, Flat No.C, Ground
Floor, Anand Raj Villa Flat, Door
No.7 2nd Cross Canal Road, Gandhi
Nagar, Adyar, Chennai-20.

8.K.Sridharan
S/o.Alte.T.Kalasalingam, 14, Sriram
Srinivasan Road, Alwarpet, Chennai-
18.

9.Rukmini Varadarajan
W/o.Late.M.K.Varadarajan, Flat
No.B2, Groudnf Loor, Anand Raj
Villa Flat, Door Nos.4 And 5 New
No.7 2nd Canal Cross Road, Gandhi
Nagar, Adyar Chennai-600 020

J.NISHA BANU, J.,



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**AND
M.JOTHIRAMAN, J.**

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