



W.P.Nos.30069 & 28341 of 2023 and 21312 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.30069 & 28341 of 2023 and 21312 of 2022

And

**W.M.P.Nos.27876, 27877 & 27879 of 2023,
20317, 20318, 20320 & 20321 of 2022,
12589 & 12590 of 2025,
4388, 5762 & 5635 of 2024**

M/s.Serene Kshetra Owner's Association

Rep. by its Secretary

S.S.Raghavan

... Petitioner in W.Ps.30069/2023 &
21312/2022

Columbia Pacific Communities Pvt. Limited

Represented by its Authorized Person

K.Manimaran

... Petitioner in W.P.28341/2023

Vs.

- 1 THE DISTRICT COLLECTOR
CHAIRMAN DISTRICT COMMITTEE
OFFICE OF THE DISTRICT COLLECTOR
CHEYYAR - KANCHEEPURAM ROAD
GANDHI NAGAR,
THAIYARKULAM,
KANCHEEPURAM
TAMIL NADU – 631 501.
- 2 THE DISTRICT SOCIAL WELFARE OFFICER
DISTRICT COMMITTEE MEMBER SECRETARY / NODAL OFFICER
NO.43, 2ND STREET, GANDHI NAGAR,
THAIYARKULAM (NEAR COLLECTORATE)
KANCHEEPURAM – 631 501.



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- 3 THE PRINCIPAL SECRETARY
PRINCIPAL SECRETARY TO GOVERNMENT OF TAMIL NADU
DEPARTMENT OF SOCIAL WELFARE
ST.GEORGE FORT,
CHENNAI – 600 001.
- 4 M/S. COLUMBIA PACIFIC COMMUNITIES PRIVATE LTD.,
FORMERLY KNOWN AS M/S.SERENE SENIOR CARE PRIVATE LTD.,
REP. BY ITS CHIEF EXECUTIVE OFFICER
MR.MOHITNIRULA
SERENE ADINATH ... Respondents in W.Ps.30069/2023 &
21312/2022
- 1 THE DISTRICT COLLECTOR
OFFICE OF THE COLLECTOR
GST ROAD,
CHENGALPATTU DISTRICT 603 001.
- 2 THE REVENUE DIVISIONAL OFFICER
O/O.REVENUE DIVISIONAL OFFICE
TALUK OFFICE COMPLEX,
OPP MEPZ, G S T ROAD,
KADAPERI,
WEST TAMBARAM,
CHENNAI 600 045.
- 3 THE DISTRICT SOCIAL WELFARE OFFICER
CHENGALPATTU
CRC GURUVALAMIYA BUILDING,
PANCHYAT ELEMENTARY SCHOOL CAMPUS,
85 AALAMBKKAM,
CHENGALPATTU 603 001.
- 4 M/S.SERENE ADINATH RETIREMENT COMMUNITY APARTMENT
OWNER'S ASSOCIATION
REP BY ITS SECRETARY
O.N.KUMARESH ... Respondents in W.P.28341/2023



W.P.Nos.30069 & 28341 of 2023 and 21312 of 2022

Prayer in W.P.No.30069 of 2023:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 21.08.2023 in Na.Ka.No.962/A1/2021 passed by the second respondent and quash the same and consequently direct the first respondent to forward the complaint dated 11.03.2023 before the Regulating Authority / District Committee as stipulated under Rule XII (6) read with Rule XVI of the Government Order for fresh disposal within a stipulated time.

Prayer in W.P.No.28341 of 2023:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records of Proceedings of the first respondent issued in R.C.11166/2023/M1, dated 12.09.2023 and quash the same as illegal, arbitrary, without jurisdiction and non-est in law and consequently, forbearing the 1st - 3rd respondents from interfering with the pricing structure and other contractual clauses stipulated in the individual service agreement entered between the petitioner and residents of Serene Adinath Retirement Community.

Prayer in W.P.No.21312 of 2022:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 28.06.2022 in Na.Ka.No.962/A1/2021 passed by the second respondent and quash the same and consequently to set-aside, nullify and declare that the price revision



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letter dated 17.10.2020 issued by the fourth respondent, increasing the monthly maintenance charges in a retrospective manner with penal clauses, as illegal, null and void and not binding on the residents of the project "Serene Kshetra".

For Petitioners : Mr.Ralph V.Mohan
in W.P.Nos.30069/2023 & 21312/2022

Mr.Sreenath Sridevan
Senior Counsel
for M/s.M.Nandhakumar
in W.P.No.28341/2023

For Respondents : Mrs.S.Anitha for R1 to R3
Special Government Pleader
Mr.Sreenath Sridevan for R4
Senior Counsel
for M/s.M.Nandhakumar
in W.P.Nos.30069/2023 & 21312/2022

Mrs.S.Anitha for R1 to R3
Special Government Pleader
Mr.Ralph V.Mohan for R4
in W.P.No.28341/2023

COMMON ORDER

W.P.No.30069 of 2023 has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the order dated 21.08.2023 in Na.Ka.No.962/A1/2021 passed by the second respondent and quash the same and consequently direct the first respondent to forward the complaint dated 11.03.2023 before the



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Regulating Authority / District Committee as stipulated under Rule XII (6) read with Rule XVI of the Government Order for fresh disposal within a stipulated time.

2.W.P.No.28341 of 2023 has been filed seeking issuance of Writ of Certiorarified Mandamus calling for records of the first respondent in R.C.11166/2023/M1, dated 12.09.2023 and quash the same as illegal, arbitrary, without jurisdiction and non-est in law and consequently, forbearing the respondents 1 to 3 from interfering with the pricing structure and other contractual clauses stipulated in the individual service agreement entered between the petitioner and residents of Serene Adinath Retirement Community.

3.W.P.No.21312 of 2022 has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the order dated 28.06.2022 in Na.Ka.No.962/A1/2021 passed by the second respondent and quash the same and consequently to set-aside, nullify and declare that the price revision letter dated 17.10.2020 issued by the fourth respondent, increasing the monthly maintenance charges in a retrospective manner with penal clauses, as illegal, null and void and not binding on the residents of the project "Serene Kshetra".



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4.Since the issue involved in these writ petitions are interrelated, they are disposed of by way of a common order.

5.The learned Senior Counsel appearing for the petitioner in W.P.No.28341 of 2023 submitted that the petitioner is a private limited company incorporated under the Companies Act and the petitioner is specialized in providing various senior care services. During the year 2012, M/s.Aston Constructions Private Limited created an integrated residential project at Mannivakkam Village in a total extent of 9.55 acres comprising of about 663 apartments and a commercial complex under the name and style of Adinath Shantiniketan and Serene Adinath. The complex consisting of 232 apartments were developed as Serene Adinath, a retirement community with all post – handover services for a high end exclusive senior person above the age of 50 years. Serene Adinath Retirement Community Apartment Owners Association is an association registered under the Tamil Nadu Societies Registration Act, 1975 created with a prime object for management and welfare of Serene Adinath residents.

6.The learned Senior Counsel appearing for the petitioner in



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W.P.No.28341 of 2023 further submitted that after completion of the project, all services and care are provided by the petitioner to the senior residents of the community and appointed as Service Provider. In addition, the 232 apartment owners in Serene Adinath community complex entered into individual services agreement with the Service Provider. Subsequently, the petitioner purchased land admeasuring 13687 sq.ft. from the developer and constructed senior care amenities and facilities with a super built up area of 23681 sq.ft. at the construction cost of Rs.8,37,80,058/- and also spent Rs.82,10,500/- towards furniture and other infrastructural facilities. Thus the petitioner spent a total sum of Rs.9,19,90,558/- for establishing infrastructural facilities inorder to provide senior care services to the residents of the community and the petitioner also spend Rs.25,00,000/- towards recurring monthly expenditure such as staff salary, catering, maintenance etc and no flat owner is paying any rent for the aforesaid facilities developed and owned by the petitioner.

7.The learned Senior Counsel appearing for the petitioner in W.P.No.28341 of 2023 further submitted that despite best services, certain disgruntled residents filed several frivolous and vexatious allegations against the petitioner and the association filed baseless



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complaint on 19.01.2023 to the second respondent alleging violation of contractual terms and the first respondent issued enquiry summons on 15.02.2023 to the petitioner by invoking provision of Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007 without any jurisdiction and the petitioner also filed reply on 02.03.2023 to the second respondent and even thereafter, the petitioner received enquiry summons and hence, the petitioner filed W.P.No.11287 of 2023 and this Court vide order dated 20.06.2023 directed the second respondent to forward the entire papers to the concerned District Committee, however, the first respondent without properly appreciating the direction issued by this Court conducted enquiry and passed the impugned order which is not sustainable one.

8.The learned Senior Counsel appearing for the petitioner in W.P.No.28341 of 2023 further submitted that the issue involved in the writ petition is whether the price fixed by the petitioner can be entertained in terms of G.O.Ms.No.83, Social Welfare and Nutritious Meal Programme (SW 6(1)) Department, dated 23.11.2016 and further submitted that the validity of the very same Government Order was considered by the Hon'ble Division Bench of this Court in

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Contempt Petition No.515 of 2018 in W.P.No.22967 of 2015 and W.P.No.16984 of 2017 and suo motu W.P.No.28237 of 2017 and W.P.Nos.30458, 30469, 30874 and 30884 of 2019 batch and the Hon'ble Division Bench of this Court vide order dated 20.06.2022 upheld the validity of the Government Order, however, the said Government Order is not applicable to Service Provider since Clause IX I) of the annexure to the said Government Order makes it clear that pricing structure for property may be as per the existing market conditions. The learned Senior Counsel further submitted that as per the existing market conditions, price was fixed by the petitioner every year, which cannot be interfered with.

9.The learned counsel appearing for the petitioner in W.P.Nos.30069 of 2023 and 21312 of 2022 submitted that the petitioner Association had been representing to the fourth respondent to register Serene Kshetra as stipulated under G.O.Ms.No.83, Social Welfare and Nutritious Meal Programme (SW 6(1)) Department, dated 23.11.2016 r/w Rule 12(2) of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009, however, the fourth respondent refuses to comply with the same. The learned counsel further submitted that the issue involved in the writ petitions is



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whether the Service Provider is entitled to increase the maintenance charges, without consulting with the Apartment Owners Association.

10.The learned counsel appearing for the petitioner in W.P.Nos.30069 of 2023 and 21312 of 2022 further submitted that Clause IX I) of the annexure to G.O.Ms.No.83, dated 23.11.2016 makes it clear that pricing structure for property may be as per the existing market conditions, Clause XII 5. of the annexure to the said Government Order makes it clear that collection of reserve fund from the residents, collection of additional food charges and maintenance charges with the motive of making profit by the promoter shall not be entertained and Clause XII 6. of the annexure to the said Government Order makes it clear excess collection of security deposits and exorbitant collection of monthly charges from the inmates is forbidden, grievance may be addressed to the notice of the regulating authority.

11.The learned counsel appearing for the petitioner in W.P.Nos.30069 of 2023 and 21312 of 2022 further submitted that the District Collector has the power to decide whether the Promoter or Service Provider is making profit or not and collecting exorbitant amount for maintenance charges or not by appointing Expert



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Committee. The learned counsel further submitted that the grievance of the petition has to be ventilated before the Expert Committee. Hence, this Court may grant liberty to the petition to ventilate their grievance before the Expert Committee and issue direction to the Expert Committee to hear the members of the Association and Service Provider and submit report the District Collector.

12. Heard the arguments advanced on either side and perused the materials available on record.

13. It is useful to extract hereunder the relevant portions of the decision of the Hon'ble Division Bench of this Court in Contempt Petition No.515 of 2018 in W.P.No.22967 of 2015 and W.P.No.16984 of 2017 and suo motu W.P.No.28237 of 2017 and W.P.Nos.30458, 30469, 30874 and 30884 of 2019 batch, dated 20.06.2022:

"VI. CONCLUDING REMARKS

78. In view of the above discussion upholding the validity of the impugned G.O. and taking into consideration the fact that the cases challenging the validity of the G.O. have been taken up for hearing along with the contempt



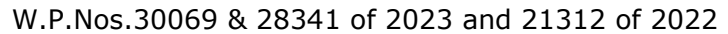
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petition alleging non-implementation of the G.O., and while simultaneously placing on record appreciation for the State Government for its efforts in passing the impugned executive order addressing the grievances of the public interest writ petitioners, it is appropriate that the contempt petition is to be closed without further orders.

79. In the above background, this Court would deem it fit to issue the following guidelines:

i. The State Government shall take steps to inspect all old age homes within the State and ensure implementation of the spirit of the impugned GO, which has now been upheld.

ii. After inspection, the State Government may issue directives to be complied with, and deficiencies, if any, to be rectified by the old age homes/retirement homes in order to comply with the spirit of the Government Order as well as the orders passed herein. The State Government shall take steps to monitor the day-to-day functioning of the homes, with more focus on nutrition, hygiene and medical needs of inmates, such as food, round the clock security, clean drinking water, ambulance services, medical care, amusement and



iii. The non-compliance of the directives/non-rectification of the deficiencies as pointed out, must entail civil consequences for the retirement homes/old age homes, including cancellation of registration.

v. The State Government must ensure that non-registered homes do not continue to function within the State, and must act on any complaint by any person in this regard, after necessary inspection.

(The term "State Government" employed in the above guidelines shall include any authorized representative or officer of the Government).

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may be well made part of a legislation either independently or as an addition to the existing legislation on the subject with more clarity in order that no further time is wasted on debating the validity and applicability of the welfare measures to senior citizens and old age homes/retirement homes, etc. on a universal scale.”

14.It is also useful to extract hereunder the relevant portions of the Annexure to G.O.Ms.No.83, Social Welfare and Nutritious Meal Programme (SW 6(1)) Department, dated 23.11.2016 hereunder:

'IX Management of Governance:

1) pricing structure for property may be as per the existing market conditions.

'XII Funds and Accounts:

*5.Collection of reserve fund from the residents, collection of additional food charges and maintenance charges with the motive of making profit by the promoter **shall not be entertained.***

6.Excess collection of security deposits and exorbitant collection of monthly charges from the inmates is forbidden. Grievance may be addressed to the notice of the regulating authority.'



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15.The issue involved in these writ petitions is with regard to the price fixation made by the Service Provider without consulting the apartment owners Association. Hence, this Court directs the Expert Committee to hear the petitioners in these writ petitions who are the apartment owners Association and Service Provider and submit a report before the Regulating Authority/ The District Collector, within a period of eight weeks from the date of receipt of a copy of this order. On receipt of such report from the Expert Committee, the Regulating Authority/ The District Collector, shall pass appropriate orders, within a period of four weeks thereafter.

16.The writ petitions are disposed of on the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

24.11.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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To

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CHAIRMAN DISTRICT COMMITTEE
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