



W.P.No.32370 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23.01.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**W.P.No.32370 of 2023**

Developer Group India Private Limited,  
rep. by its Authorized Signatory,  
registered office:  
F-6, Lajpat Nagar III, Basement,  
New Delhi 110 024.

Also at:

Chennai-Bengaluru Highway (NH-4),  
opp. to Sree Sashta College of Engineering,  
Chembarambakkam, Poonamallee,  
Chennai 600 123.

... Petitioner

**Vs.**

1. Government of Tamilnadu,  
rep. by its Secretary,  
The Housing and Urban Development Department,  
Secretariat, Chennai 600 009.
2. The Member Secretary,  
Chennai Metropolitan Development Authority,  
Thalamuthu-Natarajan Maaligai,  
No.1, Gandhi Irwin Road, Egmore,  
Chennai 600 008.



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3. The Chief Engineer,  
Tamil Nadu Water Resource Department (WRD),  
Chennai Region, Chepauk,  
Chennai 600 005.

4. Superintending Engineer,  
Tamil Nadu Water Resource Department (WRD),  
Palar Basin Circle.  
Chennai 600 005.

5. The Additional Chief Secretary.  
Tamil Nadu Water Resource Department,  
Tamil Nadu, Secretariat, Fort St. George,  
Chennai 600 005.

... Respondents

**Prayer:** Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus, directing the respondents, more specifically the third respondent to review the NOC conditions bearing reference Lr.No.T1/1291/Chembarambakkam/2016/ dated 01.03.2016 issued to the petitioner and issue fresh NOC which is scientifically derived and non-discriminatory, taking into consideration the representations of the petitioner in a time bound manner.

For Petitioner : Mr.Srinath Sridevan, Senior Counsel  
for Mr.R and R Partner

For Respondents : Mr.G.Ameedias, Government Advocate  
for respondents 1 and 3 to 5.

Mr.P.Kumaresan, Addl.Adv.General  
assisted by Mr.V.Sudalai Selvan  
Standing Counsel for second respondent.



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### **ORDER**

This writ petition is filed seeking a direction to the respondents, more specifically the third respondent to review the NOC conditions bearing reference Lr.No.T1/1291/Chembarambakkam/2016/ dated 01.03.2016 issued to the petitioner for construction of multi-storied residential units.

2. The petitioner had applied and obtained planning permission from the second respondent for construction of multi-storied residential houses in S.Nos.123/1B, 2, 3A, 5A, 124/1B, 3 & 4 of Chembarambakkam Village, Poonamallee Taluk, Chennai. The second respondent sought for technical opinion from the third respondent on inundation point of view. Based on the no objection certificate issued by the third respondent, planning permission was granted to the petitioner. Subsequently, the petitioner decided not to act in accordance with the original plan of multi-storied residential unit and decided to go for a lay out in the subject land. Therefore, the petitioner applied for revision of planning permission for ordinary layout in the subject land in the year 2022. Even for the ordinary lay out plan, the



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second respondent insisted the very same NOC conditions, imposed by the third respondent for development of multi-storied residential units.

3. It is the case of the petitioner that the NOC conditions mentioned by the third respondent may not be applicable for the ordinary lay out. Therefore, the petitioner submitted a representation before the second respondent on 26.04.2023 seeking planning permission for the lay out plan, without imposing the original conditions mentioned by the third respondent for development of multi-storied residential buildings. The second respondent, in turn, sent a communication to the third respondent in his letter No.Layout-1/0056/2022, dated 24.05.2023, requesting to offer its comments on the inundation point of view for the site. Though the communication of the second respondent was addressed to the third respondent as early as on 24.05.2023, seeking third respondent's opinion on the conditions for the new lay out land of the petitioner, there was no response from the third respondent. Therefore, the petitioner has come before this court seeking issuance of writ of mandamus for direction to the third respondent to review the NOC conditions mentioned in his letter dated



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01.03.2016, which were imposed for development of multi-storied residential houses.

4. The learned Senior Counsel appearing for the petitioner vehemently contended that the original condition imposed by the third respondent for residential houses could not be insisted for development of ordinary lay out.

5. The learned Government Advocate appearing for the third respondent would submit that the request made by the second respondent, based on the representation of the petitioner, will be considered on its own merits and opinion of the third respondent will be communicated to the second respondent, within the time fixed by this court.

6. In view of the same, without expressing any opinion on the merits of the matter, this court is inclined to direct the third respondent to consider the letter addressed to it by the second respondent dated 24.05.2023 and offer its opinion in accordance with law, within a



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period of four weeks from the date of receipt of copy of the order. In case, the third respondent decides to relax any of the conditions imposed in the earlier NOC, it is for them to issue fresh NOC, mentioning the new conditions.

7. With the above directions, this writ petition stands disposed of. There shall be no order as to costs.

**23.01.2025**

**Note:** Issue order copy on 23.01.2025

Index:Yes/No  
Internet:Yes/No  
mst

**To**

1. The Secretary, Government of Tamilnadu,  
Housing and Urban Development Department,  
Secretariat, Chennai 600 009.
2. The Member Secretary,  
Chennai Metropolitan Development Authority,  
Thalamuthu-Natarajan Maaligai,  
No.1, Gandhi Irwin Road, Egmore,  
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**S.SOUNTHAR, J.**

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**23.01.2025**