



W.P.No.33028 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2025

CORAM:

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

**W.P.No.33028 of 2025**  
**and WMP.No.37060 of 2025**

Rajathi Apartments Owners  
Welfare Association  
Rep.by its Secretary  
N.Periyakaruppan  
having reg.office at  
No.19, South Boag road,  
T.Nagar, Chennai 600 017.

... Petitioner

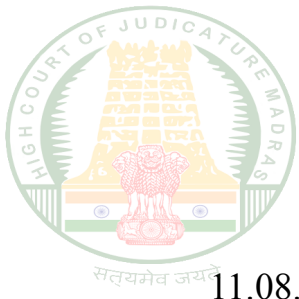
Vs

1. Greater Chennai Corporation  
rep.by its Commissioner  
Ripon Building,  
Chennai 600 003.

2. Greater Chennai Corporation  
rep.by its Executive Engineer,  
Zone-IX, T.Nagar,  
Chennai 600 017.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus to direct the respondents 1 and 2 to consider and pass orders on the petitioner's representation dated



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11.08.2025 expeditiously and in accordance with law and forbear them from taking any coercive action till such decision is made to initiate the process of redevelopment after demolition the building put up at No.19/10, South Boag road, T.Nagar, Chennai 600 017.

For Petitioner : Mr.D.S.Rajasekaran

For Respondents : Mr.D.B.R.Prabhu  
Standing Counsel

### **ORDER**

The writ petition is filed for a writ of mandamus directing the respondents 1 and 2 to consider and pass orders on the petitioner's representation dated 11.08.2025, expeditiously and in accordance with law and forbear them from taking any coercive action till such decision is made to initiate the process of redevelopment after the demolition of the building put up at No.19/10, South Boag road, T.Nagar, Chennai 600 017.

2. With the consent of both side counsels the main writ petition is taken up for disposal.

3. The petitioner is a registered Association of individual flat



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owners of Rajathi apartments situated at No.19/10, South Boag road, T.Nagar, Chennai – 17, duly registered under Reg.No.639/2009 for the welfare and common interest of its members. The said Apartment Complex consists of 29 dwelling units, and was originally constructed in the year 1985 pursuant to the approval granted by the 2<sup>nd</sup> respondent. The petitioner states that the Apartment Complex is now nearly four decades old and is in a dilapidated condition, posing imminent danger to life and property of the residents as well as public. The petitioner states that the original builder had made certain unauthorised deviations at the time of construction which remained unnoticed and so the members of the petitioner Association now resolved to set right such deviations and in view of the present condition of the building proposed to demolition and reconstruct the same at their own cost.

4. The petitioner states that The Combined Development Regulations of 2019, entitle the members to a higher FSI than what existed earlier, which makes development beneficial to all the owners. The petitioner states that the Association was taking sincere steps to



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arrive at a consensus among its members and for the said purpose convened several general body meetings. Accordingly, by representation dated 11.08.2025, the Association requested the respondent authorities to grant sufficient time to finalise and implement the demolition and redevelopment plan. However, on the basis of the complaints by their neighbours expressing concerns on the stability of the building, the 2<sup>nd</sup> respondent, threatened coercive demolition of the building. The petitioner states that such coercive action at this preliminary stage, when the petitioner association itself was taking bonafide efforts to demolish and reconstruct lawfully with requisite permissions was arbitrary, prejudicial and without jurisdiction. The petitioner states that though the 2<sup>nd</sup> respondent is aware of petitioner's Association's bonafide attempts to demolish and redevelop the building, only on the instigation of some neighbours, the 2<sup>nd</sup> respondent was attempting to take coercive action to remove the building and recover the charges from the petitioner's Association. Therefore, left with no other remedy, the petitioner approached this Court by way of this writ petition with the aforesaid prayer.



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5. Heard the learned counsel on either side and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the limited relief sought for in the writ petition, this Court is inclined to direct the 1<sup>st</sup> and 2<sup>nd</sup> respondents to consider the petitioner's representation dated 11.08.2025 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The respondents are directed not to take any coercive action against the petitioner association till the disposal of the petitioner's representation. It is made clear that four weeks time is only an outer limit and the if respondents dispose of the petitioner's representation within the said period, action as required may be taken.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.



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Index: Yes/No

Speaking order / Non speaking order

To

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Chennai 600 003.

2. Greater Chennai Corporation  
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**N. MALA, J.**

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