



WEB COPY

WP No. 37145 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP No. 37145 of 2024

1. N.Subramanian
S/o.V.Nagalingam, Res.At No.1,
N.S.K.Street, V.O.C.Nagar, Pammal,
Chennai-600 075

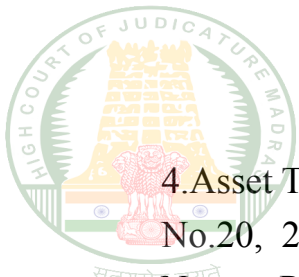
Petitioner(s)

Vs

1. The Commissioner
Tambaram Corporation, Tambaram, Chennai-
600 045, Tamilnadu

2.The Chennai Metropolitan Development
Authority
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Egmore, Chennai-
600 008

3.Tamilnadu Real Estate Regulatory Authority
1st floor, TNRERA, No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008



4.Asset Tree Homes

No.20, 2nd Floor, Zion Complex, Muthamizh
Nagar, Pammal, Chennai-600 075

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Respondent(s)

PRAYER

directing the 1st , 2nd and 3rd respondents to consider the Letter sent by the petitioner dated 06.09.2024, 18.10.2024 and consequently restrain the 4th respondent from carrying out any construction in violation of obtaining approval.

For Petitioner(s): Mr.Aravindh Subramanian,
Senior Counsel for Mr.Kannamai. ME

For Respondent(s): Mr.P.Srinivas
Standing Counsel for R1
Mr.C.Manoharan
Standing Counsel for CMDA for R2
Mr.Vadivelu Deenadayalan
Additional Government Pleader for R3
Mr.K.A.Ravindran
for Mr.S.Vijayakumar for R4

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The Writ Petition on hand has been instituted to direct the 1st , 2nd and 3rd respondents to consider the Letter sent by the petitioner dated 06.09.2024, 18.10.2024 and consequently, restrain the 4th respondent from carrying out any construction in violation of obtaining approval.



2. With reference to the complaint made by the petitioner, the Commissioner, Tambaram Corporation, Tambaram filed a counter affidavit.

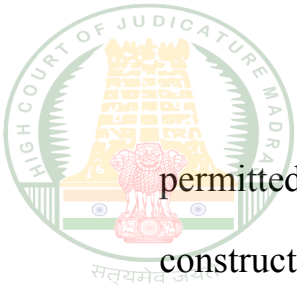
Paragraph Nos. (12), (13) and (14) of the counter affidavit reads as follows,

“12. In regard to the averments in para 11 to 19 it is submitted that the issue of the building violations as alleged by the petitioner have been taken into account and after the inspection on 21-12-2024, the notice for the deviation from the plan has been issued to the 4th respondent by proceedings dated 27-12-2024 and the construction has been stopped. Now after the defects as pointed out are rectified, the construction will be permitted. Until such time the construction will not be permitted.

13. In Plot 1 and 2 alone the building has been constructed upto the ground floor roof and the deviations were found out and notices have been issued. In the other buildings, the stage is in the foundation itself. Therefore it is possible for the 4th respondent to rectify the defects. Only after doing so, the 4th respondent will be permitted to carry out the rest rest of the construction.

14. On receipt of the reply from the 4th respondent after the defects are rectified, the building will be once again inspected and the work will either be permitted or stopped as the case may be and further action will be undertaken in a time bound manner.”

3. In paragraph No.(14), it is stated that the 4th respondent will rectify the deviation and only after such rectification, further construction will be



permitted. Thus, the 4th respondent is directed not to continue the further construction of building without rectifying the deviation and after inspection by the Commissioner, Tambaram Corporation. It is made clear that the authorities of the Tambaram Corporation also shall verify the further construction, if any made by the 4th respondent. In the event of any unauthorised construction or further deviation, all appropriate actions are directed to be initiated in accordance with law.

4. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions, if any, are closed.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

21-04-2025

gd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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