



W.P.No.860 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

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and

W.M.P.No.1039 of 2025

1.M/s. Projects Estates Private Limited
(Formerly Known As VGN Developers Private Limited)
represented by its Authorized Signatory Mr. A.Rangappan
having its registered office at
No.Y-222, Kmberly Towers,
2nd Avenue, Anna Nagar, Chennai – 600 040.

2.D.Elavarasi
3.D.Prasanth
4.D.S.Shyam Sundar
5.K.Anju
6.K.Lakshmanan
7.N.Sundarababu
8.P.Kishan Chand
9.R.Kalpana
10.V. Ramesh
11.U.bhaskar
12.B.premalatha

...Petitioners

-Vs-

1.The Principal Secretary,
Housing and Urban Development Department,
Government of Tamil Nadu, Secretariat,
Chennai 600 009.



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2.Member Secretary

Chennai Metropolitan Development Authority.

Thalamuthu Natarajan Building No.1,

Gandhi Irwin Road, Egmore,

Chennai- 600008.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, direction to the 1st Respondent to consider the Petitioners' representation dated 08.12.2023 and pass such further order.

For Petitioners : Mr.P.Vinod Kumar

For R1 : Mrs.R.L.Karthika
Government Advocate

For R2 : Mr.Akhil Akbar Ali
Standing Counsel

ORDER

Mrs.R.L.Karthika, learned Government Advocate takes notice on behalf of the 1st respondent and Mr.Akhil Akbar Ali, learned Standing Counsel takes notice for the 2nd respondent. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed to direct the 1st Respondent to consider the Petitioners' representation dated 08.12.2023.



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3. The Petitioners are owners of the land measuring 2.98 acres comprised in S.Nos. 99, 101/1, 101/2, 102/2, 104/1, 2, 3, 105/1, 2 and 107/1B, situated at Sivan Koil Road, Thiruverkadu Village, Poonamallee Taluk, Thiruvallur District. The 2nd to 12th Petitioners entered into a joint development agreement dated 24.11.2011, 25.11.2011 and 09.12.2011, under which the 1st Petitioner was engaged to develop a residential real estate project on the land. The 1st Petitioner was also authorized through a Power of Attorney to approach Government Authorities for obtaining necessary development approvals. The project, consisting of 12 blocks (Blocks A to L), a clubhouse, and a retail shop, received initial planning permission from the 2nd Respondent on 14.03.2013, valid until 13.03.2016. Subsequent renewals extended the validity until 13.03.2021.

4. During this period, construction of Blocks A to I, Block L, the clubhouse, and the retail shop was completed, and partial completion certificates were issued by the 2nd Respondent. After completing construction of Blocks J and K, the Petitioners applied for a final completion certificate on 30.03.2023. However, the 2nd Respondent rejected the application on 24.04.2023, citing the expiration of planning permission on 13.03.2021 and



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the non-compliance of a condition in the 4th partial completion certificate dated 06.05.2022, which mandated a requirement for fresh planning permission.

5. Learned counsel appearing for the petitioners would submit that the Petitioners vide its letter dated 11.05.2023, submitted that the condition cited by the 2nd Respondent is non-existent and relied on G.O.(MS)No.260 dated 16.12.2022 of the 1st Respondent, which extended the planning permissions issued between 01.04.2014 and 31.03.2022 by 2 years due to construction delays caused by the COVID-19 pandemic. Despite this, the 2nd Respondent refused to consider the Government Order, claiming it did not apply to the Petitioners as the original permission was issued before 01.04.2014.

6. Learned counsel would further submit that the Petitioners submitted an appeal/representation to the 1st Respondent on 08.12.2023, setting out all the facts along with the relevant documents and sought for necessary orders to issue the Completion Certificate with the existing planning permit. Despite several follow-ups, the 1st Respondent has not



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considered and passed any order on the Petitioner's appeal/representation dated 08.12.2023. Hence, the present Writ Petition is filed.

7. Learned Government Advocate appearing for the 1st respondent would submit that the representation of the petitioners dated 08.12.2023 would be considered on merits, in accordance with law within a time frame stipulated by this Court.

8. Heard both sides and perused the materials available on record.

9. Without going into the merits of the case, the 1st respondent is directed to consider the representation of the petitioners dated 08.12.2023 after giving due notice to the petitioner, affording an opportunity of personal hearing to the petitioners as well as rival claimants/interested parties if any, to take into consideration all the relevant documents submitted by the parties in regard to the subject matter property and pass appropriate orders on merits, in accordance with law thereby following the above principles of natural justice within a period of three months from the date of receipt of a copy of this order.



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10. The petitioners are at liberty to submit a fresh representation enclosing a copy of the relevant documents.

In the result, the **writ petition stands disposed of with the above observations and direction.** No costs. Consequently, connected miscellaneous petition is closed.

07.02.2025

cda

Index : Yes/No

Speaking/Non Speaking order

To

1.The Principal Secretary,
Housing and Urban Development Department,
Government of Tamil Nadu, Secretariat,
Chennai 600 009.

2.Member Secretary
Chennai Metropolitan Development Authority.
Thalamuthu Natarajan Building No.1,
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