



W.P.No.39176 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.39176 of 2024

And

W.M.P.No.42427 of 2024

M/s.Athulya Assisted Living Private Limited
Represented by its Authorized Signatory
Fredrick Antony,
No.40, North Phase, 5th Cross Street,
Kalaimagal Nagar, Ekkatuthangal,
Chennai – 600 032.

... Petitioner

Vs.

The DGP / Director,
Tamil Nadu fire and Rescue Services,
No.17, Rukmani Lakshmipathi Salai,
Egmore,
Chennai – 600 008.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the impugned notice / order dated 25.10.2024 in K.Dis.No.12281/C1/2024 on the file of the respondent, quash the same and consequently direct the respondent to issue Fire License to the petitioner's premises situated at Block No.15, Tower – C, No.328, GST Road, Pallavaram Village, Chennai – 600 063.



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For Petitioner : Mr.N.L.Rajah
Senior Advocate
for M/s.Rajagopal Vasudevan
For Respondent : Mrs.S.Anitha
Special Government Pleader

ORDER

This writ petition has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the records of the impugned notice/ order dated 25.10.2024 in K.Dis.No.12281/C1/2024 on the file of the respondent, quash the same and consequently direct the respondent to issue Fire License to the petitioner's premises situated at Block No.15, Tower – C, No.328, GST Road, Pallavaram Village, Chennai – 600 063.

2.The learned Senior Counsel appearing for the petitioner submitted that the petitioner is a company registered under the Companies Act and is involved in running old age homes by providing complete assisted living services to senior citizens, running retirement homes, senior – friendly apartments with all amenities and skilled nursing facility which includes rehabilitation with all required facilities and amenities under one roof. On 24.11.2021, the petitioner entered into a lease agreement with Olympia Tech Park (Chennai) Private



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Limited [hereinafter referred to as 'building owner'] for one block/tower, namely, Tower 'C' and took possession of the property after completing the statutory license compliances and interior work. After taking possession, the petitioner was informed by the building owner that an application for fire license has been submitted to the respondent. On 20.12.2022, the respondent issued NOC No.166/2022 for the subject property after conducting an inspection and confirming that all statutory and Governmental compliances were in order.

3.The learned Senior Counsel appearing for the petitioner further submitted that the petitioner made application in accordance with the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 for running old age home in the subject property on 07.03.2023 and after due verification, the District Social Welfare Officer, Chengalpattu issued a certificate of registration vide proceedings dated 03.05.2023 under Rule 12(3) of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 valid for the period from 03.05.2023 to 05.03.2026.

4.The learned Senior Counsel appearing for the petitioner further submitted that the other towers of the building owner comprise



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of individual apartments and the owners of the said apartments formed association known as Olympia Grande Apartment Owners Welfare Association [hereinafter referred to as 'association'] and the association lodged false complaints against the building owner, due to which, CMDA issued de-occupation notice dated 22.08.2023 to the building owner. Thereafter, the association preferred complaint to the District Social Welfare Officer, Chengalpattu referring the de-occupation notice dated 22.08.2023 and based on the said complaint, the District Social Welfare Officer, Chengalpattu, cancelled the registration of the petitioner's old age home in the subject property and aggrieved by the same, the petitioner preferred W.P.No.4191 of 2024 and this Court passed an interim order on 29.02.2024 directing CMDA to conduct joint inspection of the subject property, pursuant to which, CMDA conducted inspection and filed report and thereafter, this Court passed final order dated 07.03.2024 allowing the said writ petition.

5.The learned Senior Counsel appearing for the petitioner further submitted that the petitioner issued letter dated 21.06.2024 to the respondent seeking issuance of fire license and on 27.06.2024, the



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respondent issued notice to the petitioner directing the petitioner to comply with the defects pointed out by the respondent and thereafter the petition complied the same and even thereafter, the respondent rejected the request of the petitioner for issuance of fire license.

6.The learned Senior Counsel appearing for the petitioner further submitted that the impugned order was passed on the ground that the temporary shed obstructs the North side setback area and it should be removed and that the stilt floor which is partially used as lobby and bathroom should be used only for parking as per the plan and sprinkler system should be provided and that the petitioner should get approval of the third revised planning permission from CMDA for old age home occupancy and after approval for old age home occupancy, the petitioner should apply for compliance certificate.

7.The learned Senior Counsel appearing for the petitioner further submitted that CMDA officials already granted permission to the petitioner and further submitted that in respect of using the car parking as lobby, it was rectified and in respect of temporary shed obstruction, it can be removed by the fire service officials under



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Section 13 (2) of the Tamil Nadu Fire Service Act, 1985, in which the petitioner have no objection for removal of the obstructions on the Northern side set back area and further submitted that even the CMDA can remove the same if it obstructs the set back area.

8.The learned Special Government Pleader appearing for the respondent submitted that if this Court issue direction to the respondent to remove the obstructions on the Northern side set back area, the same will be complied with.

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

10.The petitioner issued letter dated 21.06.2024 to the respondent seeking issuance of fire license, however, the respondent rejected the request of the petitioner for issuance of fire license on the ground that the temporary shed obstructs the North side setback area and it should be removed; the stilt floor which is partially used as lobby and bathroom should be used only for parking as per the plan and sprinkler system should be provided; and that the petitioner should get approval of the third revised planning permission from



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CMDA for old age home occupancy and after approval for old age home occupancy, the petitioner should apply for compliance certificate. The CMDA officials had already granted permission to the petitioner and in respect of using the car parking as lobby, it was rectified and in respect of temporary shed obstruction, it can be removed by the fire service officials under Section 13 (2) of the Tamil Nadu Fire Service Act, 1985, in which the petitioner have no objection for removal of the obstructions on the Northern side set back area.

11.In view of the above, the impugned order is set aside and the respondent is directed to issue fire licence to the petitioner by imposing conditions as per the Tamil Nadu Fire Service Act, within a period of four weeks from the date of receipt of a copy of this order.

12.The writ petition is disposed of on the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

24.11.2025

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

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M.DHANDAPANI,J.
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To

The DGP / Director,
Tamil Nadu fire and Rescue Services,
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Egmore,
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