



WEB COPY

WP No. 49635 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

**WP No. 49635 of 2025
AND WMP NO. 55480 OF 2025**

Hiranandani Amalfi Owners Association,
Rep. By its Secretary Anbazhagan M, Amalfi,
House Of Hiranandani, 5/63, Rajiv Gandhi Salai,
Egattur, Chennai-600 130.

Petitioner(s)

Vs

1.The Director,
Tamil Nadu Fire And Rescue Services,
No.17, Reukmani Lakshmipathy Road,
Egmore, Chennai-600 088.

2.M/s.Hiranandani Realtors Pvt. Ltd.,
Rep. By Its Director,
2nd Floor, Olympia, Central Avenue,
Hiranandani Garden, Powai,
Mumbai-400 076.
Also At House Of Hiranandani,
5/63, Rajiv Gandhi Salai, Egattur,
Chennai-600 130.

Respondent(s)

PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Mandamus, directing the 1st respondent to consider the representation dated 16.09.2025 issued by the petitioner Association to the 1st respondent requesting the 1st respondent to initiate action on the 2nd respondent and to rectify the defects listed in the 1st respondent's reports bearing.



For Petitioner(s): Mr.Rohan Rajasekaran
For Respondent: Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed by the petitioner seeking to direct the 1st respondent to consider the representation dated 16.09.2025 issued by the petitioner Association to the 1st respondent requesting the 1st respondent to initiate action on the 2nd respondent and to rectify the defects listed in the 1st respondent's reports.

2.Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice on behalf of the 1st respondent. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.Learned counsel for the petitioner would submit that the resident of the petitioner Association purchased the flats from the 2nd respondent and it was agreed between the 2nd respondent and the allottees that the 2nd respondent would mandatorily maintain the affairs of the apartment for a period of 18 months. Towards the end of said mandatory maintenance period, the 2nd respondent had handed over only few necessary documents pertaining to the apartment. The petitioner Association requested for the renewed Fire License for the year 2021-22. However, the same was not handed over by the 2nd



respondent and there was also several discrepancies with respect to the car parking allotment and reimbursement of the Corpus fund. Therefore, the petitioner Association filed a complaint before the Tamil Nadu Real Estate Regulatory Authority and the said complaint was also allowed on 22.12.2022, directing the 2nd respondent to handover the necessary documents to the petitioner Association. Though the 2nd respondent preferred an appeal against the order dated 22.12.2022, the same got dismissed and the second appeal preferred by the 2nd respondent is pending.

4. Further, he would submit that between the year 2022 and 2024, the petitioner Association tried to renew the fire license. However, during the renewal inspection conducted by the 1st respondent, they found several lacunae and did not renew the same. Despite several requests made by the petitioner Association, the 2nd respondent has never come forward to rectify the technical defects and even the fire license stands in the name of the 2nd respondent, who has not taken any steps to transfer the same in the name of the petitioner Association. Since the defects pointed out by the 1st respondent is not rectified, the 1st respondent keep on rejecting the application for renewal of fire license. Therefore, the petitioner Association gave a representation to the 1st respondent to initiate action against the 2nd respondent. Since the same was not considered, the present writ petition has been filed.



5. At the outset, this Court is of the view that the 1st respondent is only the licensing Authority, who cannot take action against the 2nd respondent for the defects in the construction of the apartment. The petitioner Association has to workout their remedy by rectifying the defects pointed out by the 1st respondent for obtaining the fire license and the 2nd respondent can be sued in the manner known to the law for the loss sustained by the petitioner Association. Thus, the present writ petition is devoid of merits.

6. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18-12-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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