



WEB COPY

W.P.No.12873 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.12873 of 2026

Bipin Rajalingam S
11 FOD, Jains Nakshatra Flats,
Union Road, Chinna Nolambur,
Chennai - 600 095.

Petitioner(s)

Vs

1. The Member Secretary
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai - 600 008.
2. Jain Housing and Constructions Ltd
98/99 Habibullah Road, T. Nagar,
Chennai - 600 001.
3. Jain Nakshatra Flat Owners Association
Rep by its President, No.82,
Union Road, Chinna Nolumbur,
Chennai - 600 095.

Respondent(s)



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PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to forthwith lock and seal the said clubhouse until the same is duly regularized in accordance with law, pursuant to the petitioner's representations dated 15.05.2025 and 26.12.2025, within such time frame as may be fixed by this court.

For Petitioner(s): Mr.S.Bipin Rajalingam
(Appearing in person)

For Respondent(s): Mrs.P.Veena Suresh
Standing Counsel
for R1

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Alleging that the second and third respondents have committed several violations of the planning permission in respect of Jain's Nakshatra Apartments, particularly concerning construction of an unauthorised clubhouse, the petitioner sent representations on 15.5.2025 and 26.12.2025 to the first respondent seeking action



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to lock and seal the said structure. As the said representations did not evoke any response, the present writ petition is filed.

2. The main grievance of the petitioner is that the clubhouse has been constructed in contravention of the planning permission. To bolster the said submission, the petitioner, appearing in person, placed heavy reliance on a reply dated 26.11.2025 received under the Right to Information Act from the Chennai Metropolitan Development Authority which states that "*CMDA has not approved club house in the site under reference.*"

3. In the case on hand, it is admitted that the petitioner is the owner of one of the flats in the said apartments and is also a member of the third respondent/association. The planning permit issued by the Chennai Metropolitan Development Authority is dated 21.7.2006. The petitioner, who owns a flat in the very same apartments, has slept over the matter for nearly 20 years and suddenly woke up from slumber in 2025 and sent representations to the first respondent that the clubhouse has been constructed in violation of the planning permission. It is not stated as to when



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the clubhouse has been constructed and certainly the clubhouse was not constructed overnight and the photographs filed in the typed set show that the building is not newly built.

4. It is trite that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. In the case on hand, despite owning a flat within the same apartments, the petitioner did not take any steps to ascertain whether the clubhouse was constructed with permission or without permission for well-nigh 20 years. We, therefore, do not intend to entertain the writ petition at the instance of the petitioner.

5. The writ petition is, accordingly, dismissed. There shall be no order as to costs.



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We make it clear that this order shall not preclude the first respondent from considering the representations of the petitioner in accordance with law.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
07.04.2026

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

1. The Member Secretary
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai - 600 008.



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

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