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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP No. 12880 of 2022
CNR: {HCMA010665502022}
AND WMP Nos.12359 & 34316 of 2022
and WMP Nos.7230 of 2023, 54571 of 2025

Jains Westminster Owners Welfare Association
- Saligramam, Rep by its President
Jains Westminster Residential complex
No.24, Arunachalam Road,
Saligramam, Chennai- 600 093.

..Petitioner

Vs

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

2. The Sub Registrar
   Virugambakkam Sub Registrar Office, 47/5,
   Arcot Road, udhayam Colony, Lambert Nagar,
   Virugambakkam,Chennai- 600 083.

3. M/s.Jain Housing
   A Registered Partnership Firm Rep by its
   Partner 98 / 99, Habibullah Road, T.Nagar,
   Chennai- 600 017.

4. Mr.Sachin Mehta
   Partner M/s.Jain Housing 98/ 99, Habibullah
   Road, T.Nagar, Chennai- 600 017.

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5. M/s.Jain Housing and Constructions Ltd
   Rep by its Managing Director, 98/ 99,
   Habibullah Road, T.Nagar, Chennai- 600 017.

6. Mr.Sandeep Mehta
   Managing Director Jain Housing and
   Constructions Ltd, 98/ 99, Habibullah Road,
   T.Nagar, Chennai- 600 017.

7. V.Prakash Babu
8. E.Pradeep Kumar
9. K.Nandakumar
10. M.R.Surendra Rao
11. Rema Bhuvaneswari
12. G.Senthilvel
13. H.Vijay Balaji
14. Hema Rathinavelu
15. Kishore Reddy
16. Mr.B.N.Siva

17. The Commissioner, Greater
    Chennai Corporation, Rippon Buildings,
    Chennai 600 003.

18. The Member Secretary,
    Tamil Nadu Pollution Control Board, No.76,
    Anna Salai, Guindy, Chennai.600 032.

19. The Director, Airport Authority
    Of India, Chennai International Airport,
    Chennai.600 027.

20. The Chief Engineer (buildings)
    Public Works Department, Chepauk,
    Chennai.600 005.

21. The Managing Director, Chenai
    Metropolitan Water Supply And Sewerage
    Board, No.1, Pumping Station Road,
    Chintadripet, Chennai.600 002.

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22. Kavirimani.M.G
23. P. Chenthill
24. S. Perumalsamy
25. N. Veeraraghavan
26. M Gandhikumar
27. M Muthukumar
28. Yogeswaran Subramanian
29. S Saravanan
30. G. Padmini Priyadarshini
31. Mohana Visvanathan
32. S. Ravichandran
33. S. Sangeetha
34. K.S. Praveen Kumar
35. Kanagavel Pandian.R
36. Pandi Krishna Veni
37. Ravindran Muthukrishnan
38. K. Vimala Devi
39. N.Shakira
40. Kiran Ms
41. Maheetha Ramakrishnan
42. Subramanian.R
43. Dhanalakshmi
44. Gunakar.C
45. Sunil

46. The Assistant Engineer,
    Operation And Maintenance, Tangedco,
    Saligramam, Chennai.600 093.
47. The Executive Engineer,
    Operation And Maintenance, Tangedco,
    K.K.Nagar, Chennai.600 078.

48. The State Environment Impact Assessment
    Authority(SEIAA), III Floor, Panagal Maaligai,
    Saidapet, Chennai.600 015.

49. The Director Of Tamil Nadu Fire
    And Rescue Services Department, No.17,
    Rukmani Lakshmipathy Road, Egmore,
    Chennai.600 008.

..Respondents

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Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus

(a) Directing the 1st respondent forthwith to inspect the structural quality of the property Viz., Jains Westminster complex at Door No. 24, Block No.38 of Arunachalam Road, Saligramam, Chennai- 600 093 and permit the Petitioners Association to carry out the necessary repairs as per the direction of the chief Engineer, CMDA Considering the risk to the lives and property of over 1000 residents in the complex, thereafter, recover the costs thereof from the respondents 2 to 6.

(b) Directing the 1st Respondent to De- Seal and remove the Lock and Seal affixed on the Block D which was sealed on 1-8-2019 pursuant to the locking and sealing notice dated 12- 10- 2018 and 16 - 07 - 2019 for the Jains Westminster complex at No.24, Arunachalam Road, Saligramam, Chennai 600 093 so as to enable the petitioners to rectify the deviations in order to restore the said Block D in consonance with the sanctioned Planning permission by the virtue of Section 115 of the Tamil Nadu Combined Development and Building Rules 2019, thereafter recover the costs thereof from the respondents 3 to 6.

(c) Directing the 2nd Respondent not to register any documents in any manner i.e., selling or alienating or mortgaging or dealing with the unsold flats held by the respondents 3 to 6 and annexed to the Writ Petition, considering the life and safety of the prospective buyers due to the poor quality of construction of Jains Westminster Residential Complex which has resulted in the structural weakness of the Property till such time the aforesaid irregularities are duly rectified by Respondents 3 to 6,

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(d) pass such other orders as this Court may deem fit and proper in the circumstances of the case.

(e) Direct the Respondents 3 to 6 herein and other Respondents/statutory authorities to render as much cooperation and assistance as possible and as deemed necessary by the Hon'ble Jains Westminster Settlement Committee and to abide by various recommendations issued by the Committee from time to time, subject to the orders to be passed by this Hon'ble court on such recommendations, including but not limited to,

(f) Directing the 1st Respondent/CMDA to pursue with Government of Tamilnadu, Housing and Urban Development Department, for grant of approval of the building plan submitted by Respondent 3 to 6 herein with the approval of the Honble Committee, in a time bound manner.

(g) Directing the Respondents 3 to 6 herein to continue to deposit the Rents to all owners and to the Petitioner Association, till handing over of possession of flats, as recommended by the Honble Jains Westminster Settlement Committee including the periodical escalations as may be recommended by the Honble committees and approved by this Honble Court.

(h) Directing the Respondents 3 to 6 herein to give a time schedule for the completion of the redeveloped Apartments and to strictly and scrupulously adhere to said time schedule approved by the Honble committee and this honble Court and any failure or unreasonable departure to be met with serious consequences.

(i) Directing the Hon'ble Committee to monitor the Pile integrity test of Jains Westminster by IIT or an agency of similar competence

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after demolition and to recommend new pile foundation or use existing foundation with measures, if any to strengthen so as to ensure the durability of the structure in the long term and to continue to monitor if necessary with the help of experts as it deems fit and necessary the adherence to approved plan of redevelopment construction by Respondents 3 to 6 herein with additional construction to be shared in ration 60-40 among builder and owners, till timely handing over possession individual apartments and common areas and amenities, utilities etc as promised to the owners, and to direct the Respondents 3 to 6 herein to pay the expenses of such experts as may be recommended by this Hon'ble Committee and the administrative expenses and fee/remuneration of the Jains Westminster Settlement Committee till completion of construction and hand over possession to all owners.

(j) Directing the CMDA, RERA, Corporation of Chennai, TANGEDCO, Tamilnadu Pollution Control Board, Fire and Rescue, CMWSSB, concerned Police and other statutory authorities to fast track the process for planning permission and any other license, approvals, permits etc., as may be required to expedite the reconstruction timelines.

(k) Directing the Jains Westminster Settlement Committee to admit claims of the Writ Petitioner against Respondents 3 to 6 herein towards sharing of additional construction in ratio of 60-40 for the present and appropriate compensation to owners towards their rightful share in additional construction and wrongful retention of Undivided share of land in respect of D and E Block, AHU units converted into flats that are contrary to the original

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approved plan and to redistribute the UDS withheld by respondent builder to the Writ Petitioner/owners in the manner as may be deemed fit and proper by the Honble Committee and approved by this honble court,

(l) Directing the Jains Westminster Settlement Committee to admit various claim of the Writ petitioner against Respondents 3 to 6 herein towards payment of Rs.2,20,75,308/- towards corpus fund and maintenance charges from 01.04.2018 to 31.03.2020 as per the bye-laws of the association and further maintenance charges as applicable from 01.04.2020 upto this date in respect of the unsold flats held by them which is payable to the Petitioner Association along with interest at rate of 7 percentage p.a., and to pass suitable recommendations and directives to Respondents 3 to 6, and approved by this hon'ble court.

(m) Directing the Jains Westminster Settlement Committee to admit claim of the Writ petitioner against the Respondents 3 to 6 herein to account for and pay the Writ Petitioner all the revenues by way of rent and other income received by leasing the commercial space illegally constructed by them in Block D, within a time stipulated by this Honble Court.

(n) Directing the Jains Westminster Settlement Committee to admit claim of the Writ petitioner against the Respondents 3 to 6 herein in respect of cancellation of the sale deeds in respect of the 5 illegal flats constructed in the non-FSI area meant for Air Handling Units (AHU) as per original approved plan and to redistribute the UDS wrongfully earmarked for the said 5 illegal flats.

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(o) Directing the Jains Westminster Settlement Committee to admit claim of the Writ petitioner against the Respondents 3 to 6 herein towards compensation for loss of interiors, repairs, and improvements made by each owner due to demolition, and to recommend with aid of assessors for suitable compensation to all owners, and also to pay a sum of Rs.5,00,000/- to each of the flat owners as compensation towards mental agony, and hardship suffered by the owners.

(p) To Advise the Jains Westminster Settlement Committee to file interim status reports before this Honble Court to enable this Honble Court to pass suitable orders as may be just and expedient.

(Prayer amended (additional reliefs (e) to (p) added vide order dated 24.02.2026 made in W.M.P.No.5538 of 2026 by ASMJ and MSKJ).

For Petitioner(s): Mr. J. Ravikumar

For Respondent(s): Mrs. Girijavelmurugan, Standing Counsel for R1
B.Sivakollappan
Additional Government Pleader For R-2
Mr.Nithyesh Nataraj
For Mr.Vaibhav R.Venkatesh For R3 to R6
Mr. Arun C. Mohan For R7
Mr.Kingston Jerald For R-8
Mr.S.Giridharan For 9-15
Mr.D.B..R Prabhu, Standing Counsel For R-17
Mr.K.Srinivasamurthy For R-48
Ms. Vishnupriya Upendran
Counsel For Settlement Committee
No appearance – R18,R21,R22 to 34,R35 to 45
Not ready in notice - R19

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ORDER

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

The present writ petition has been instituted by Jains Westminster Owners Welfare Association represented by its President. Multiple reliefs involving disputed issues are sought for in the writ petition. The writ petition is pending from the year 2022 and this Court has monitored the activities of the parties with reference to the reliefs sought for in the writ petition through a Court appointed Committee consisting of two retired Hon'ble Judges.

2. The facts in brief are that the respondent builder entered into an agreement with the respective apartment buyers for construction of flats viz., Jains Westminster at Door No.24, Block No.38, Arunachalam Road, Saligramam, Chennai 600 093 and provide amenities as scheduled in the agreement. The petitioner association was established for managing, maintaining and administering the common property belongs to joint owners. The members of the petitioner association are bonafide purchasers of their respective flats in the residential complex to be constructed by the builder. The petitioner association is registered under the Tamil Nadu Societies Registration Act and the bye-laws of the Society are approved by the competent authority under the Act. The petitioner association raised allegations regarding structural deviations in the construction of the residential

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housing complex constructed by the respondent builder and for not providing amenities and infrastructure facilities as agreed between the parties at the time of purchase. The petitioner association has pleaded several deviations, violations and breach of the terms of agreement and breach of trust on the part of the respondent builder, which resulted in filing of the writ petition.

3. There were allegations regarding structural defects and deviations, which caused concern to the bonafide purchasers, resulted in approaching this Court. The Court appointed committee, with the assistance of experts from IIT Madras, inspected the building and found that the structural design and its implementation made by the builder was not in consonance with the building plan approval and the standards required for construction of 17 storeyed building during the relevant point of time. In compliance with the expert's opinion through the Committee, the structure constructed was demolished in entirety in pursuance to the orders of this Court and directions were issued to reconstruct the residential complex and hand over the respective flats to the bonafide purchasers / members of the petitioner association. Admittedly, the entire structure was demolished and now the land is vacant. The committee appointed by this Court is periodically monitoring the development so far and also the payment of monthly rent to the purchasers, enabling them to occupy rented houses till such time the new

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complex is constructed and handed over to the members of the petitioner association. This interim arrangement is continuing and not in dispute between the parties.

4. Four years lapsed. Structures constructed were demolished. The members of the petitioner association are in occupation of rented houses and the monthly rent is being paid by the respondent builder. This Court passed an order on 07.10.2026 issuing the following directions:

> (i) the respondents 3 to 6/builders are directed to sit along with the competent authorities of the CMDA, rectify all the defects / errors pointed out by the CMDA and re-submit the building plan for approval within a period of two weeks from today.
>
> (ii). It is made clear that no further time will be granted, and in the event of failure on the part of the builders to re-submit the building plan approval, this Court will be constrained to take a serious view of the matter.
>
> (iii). On rectification of such defects by respondents 3 to 6/builders, the competent authorities of the CMDA are

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directed to verify the same, and if the building plan application is otherwise in order, grant necessary approval within a period of one week from the date of expiry of the period of two weeks from today.

(iv). On receipt of building plan approval from the CMDA, respondents 3 to 6/builders shall commence construction forthwith and construction activities shall be monitored by the Settlement Committee, so as to ensure that constructions are completed within a reasonable period. This Court will be in a position to fix the timeline for completion of the building after grant of building plan approval by the CMDA.

5. In pursuance to the directions issued by this Court, the respondent builder approached the CMDA authorities, rectified the defects in the plan and submitted the application for building plan approval. Pertinently, the CMDA has passed the order vide Letter No.CMDA/PP/HRB/S/0579/2025 dated 22.10.2026 granting building plan approval. The building plan approval granted by the CMDA is valid for the period from 22.10.2026 to 21.10.2034. The respondent builder has to approach the Commissioner, Greater Chennai Corporation for issuance of planning permit under the Local Bodies Act in

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pursuance to the building plan approval granted by CMDA vide approval dated 22.10.2026. On receipt of such planning permit, the respondent builder has to commence building construction without any further loss of time.

6. Learned counsel for the petitioner would mainly contend that the Committee may be allowed to continue its monitoring till such time the entire building is completed and handed over to the members of the petitioner association. The committee appointed by this Court has to monitor every aspect of the construction and report before this Court to ensure that the building is strictly in accordance with the building plan permission and as per the standards.

7. Learned counsel for the respondent builder would oppose by stating7 that the case has reached a stage where the structures previously constructed were demolished, revised plan was submitted and the CMDA has granted building plan approval. Therefore, the respondent builder has to commence the construction activities by engaging experts in the field, complete the 21 storeyed residential complex and hand over the flats to the members of the petitioner association. They would further submit that the respondent builder will observe all formalities, maintain the construction standards and ensure that there is no deviation or violation and after completion, will hand over the

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flats to the owners. The builder would further submit that they undertake to pay the monthly rent to the bonafide purchasers till such time the respective flats are handed over to the members of the petitioner association. They would further submit that monitoring the construction activities by the Court appointed Committee consisting of retired Hon'ble Judges is unnecessary and the builder has to unnecessarily bear huge expenditure.

8. Learned counsel appearing on behalf of the CMDA would submit that the authorities will monitor the building activities by conducting periodical inspection as mandated under the relevant provisions of the Statutes and Rules in force. The Corporation authorities are also bound to monitor and ensure that the subject building is constructed strictly in accordance with the building plan approval including the amenities and infrastructure to be provided.

9. No doubt, the purchasers underwent mental agony and are suffering. The builder has committed deficiency in services. However, by the intervention of this Court, a Committee was appointed consisting of two retired Hon'ble Judges of the High Court, who in turn, engaged experts from the Indian Institute of Technology(IIT) and as per their opinion, the structure constructed by the builder was demolished in entirety. The land remains

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vacant. Revised building plan has been submitted and now the CMDA has granted building plan approval. Therefore, after observing all further formalities with the Chennai Corporation, the respondent builder has to commence construction activities. Learned counsel for the respondent builder would submit that the building construction in entirety will be completed within a period of 30 months from the date of planning permit by the Greater Chennai Corporation. Till such time, the monthly rent will be paid to the members of the petitioner association as agreed between the parties and as per the orders of this Court.

10. In view of the above facts, which are not seriously disputed between the parties, further continuance of the Committee may not be required in this case because, the building activities are to be monitored by the competent authorities of CMDA and Chennai Corporation as mandated under the relevant provisions of the Statutes and Rules in force. When the statutory authorities are bound to monitor the building construction made in Chennai City and to ensure that such constructions are made in consonance with the building plan approval granted and the infrastructure amenities are provided as required under the Acts and Rules, further monitoring by the Committee consisting of retired Hon'ble Judges may not be necessary. Courts appoint Committees only for a limited purpose to ensure if any gross injustice is

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noticed in certain cases. Appointment of the Committee may not be a routine affair. Power of judicial review under Article 226 of the Constitution of India is limited. High Court cannot monitor building construction activities stage-wise by appointing a Committee, which is unnecessary. In the present case, at the initial stage experts opinion was required to assess the structural stability. Committee appointed IIT experts and the said structure was wholly demolished. Therefore, this Court is of the considered view that further construction activities are to be carried on by the respondent builder in accordance with the building plan approval and as per required standards and by providing the amenities and infrastructure facilities as agreed by them with the members of the petitioner association.

11. In view of the above facts and circumstances, this Court is inclined to pass the following orders:

(a) The 17th respondent / Commissioner, Greater Chennai Corporation is directed to grant building permit under the Local Body Act within a period of two weeks from the date of receipt of a copy of this order. In this regard, the respondent builder is directed to approach the Commissioner, Greater Chennai Corporation and ensure that the building permit is obtained as required under law and by complying with the requirements.

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(b) On receipt of such building permit from the Greater Chennai Corporation, the respondent builder is directed to commence the building construction and complete the proposed 21 storeyed residential complex within a period of 30 months from the date of grant of building permit by the Greater Chennai Corporation.

(c) Respondent No.17 – Greater Chennai Corporation and Respondent No.1 – CMDA are directed to conduct periodical inspections as required under the Act and Rules and ensure that the building constructions are made strictly in accordance with the standards and as per the building plan approval granted by the competent authorities.

(d) The respondent builder is directed to engage experts to ensure that the building is constructed in accordance with the structural design and the standards as required under law.

(e) In the event of any differences during the process of construction, the petitioner association is at liberty to approach

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the builder who in turn is directed to convene meeting with the association and resolve the issues amicably so as to complete the construction activities in a peaceful manner.

(f) The respondent builder is directed to pay monthly rents directly to the owners of the building by securing their particulars from the Committee or from the petitioner association. The builder is directed to pay the monthly rents punctually to the members of the petitioner association occupying rental premises till such time they complete the project and hand over the respective flats to the members of the petitioner association.

(g) The rent deposits made in the Indian Bank, High Court Branch is directed to be handed over to the builder by the Committee within a period of two weeks from the date of receipt of a copy of this order.

(h) The respondent builder is directed pay the balance fees, if any to the Court appointed Committee members within a

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period of two weeks from the date of receipt of a copy of this order.

(i) The services of the Committee rendered in the interest of the purchasers stand appreciated and in view of the present order, the Committee constituted by this Court is dissolved.

(j) The respondent builder is directed to scrupulously adhere to the timelines fixed by this Court in this order and in the event of any failure on the part of the builder, the petitioner association is at liberty to approach this Court.

12. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (R.R.V.,J.)
29-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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AND
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