



WEB COPY

WP No. 16162 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 16162 of 2026
and WMP. No.17393 of 2026**

D.Selvaraju

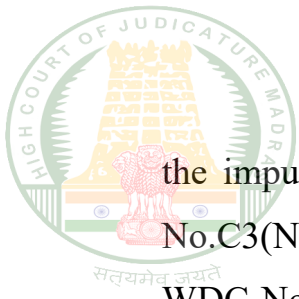
..Petitioner

Vs

1. The Chennai Metropolitan Development Authority,
Rep. by its Member secretary
Thalamuthu Natarajan House,
01, Gandhi Irwin Road,
Ansari Estate, Egmore, Chennai-600 008.
2. The Director
o/o. Director of Fire and Rescue Services,
No.17, Rukmani Lakshmipathi Salai,
Egmore, Chennai-600 008
3. The Joint Director
Fire and Rescue Services (Northern Region)
No.17, Rukmani Lakshmipathi Salai,
Egmore, Chennai-600 008
4. M/s.Radiance Realty Developers India Limited
(Having CIN U45201TN2007PLC062662)
Rep. by its Managing Director / Chief
Executive officer,
Having registered office at No.480, Khivraj
Complex II,
Anna Salai, Nandanam, Chennai-600 035

..Respondent(s)

Writ Petition is filed under Article 226 of Constitution of India, seeking to issue a Writ of Certiorarified Mandamus, calling for the records relating to



the impugned planning approval dated 05.09.2017 issued vide CMDA Letter No.C3(N) / 598/ 2015 and Greater Chennai Corporation Letter BP. No.CEBA/ WDC No.104/ 00293/ 2017 dated 18.09.2017 pertaining to the construction of the residential apartments in the name and style of Radiance Icon, Koyambedu and quash the same as arbitrary and opposed to the building regulations for Chennai metropolitan area and consequentially directing the 1st respondent to allot car and two-wheeler parking according to the Tamil Nadu Combined Development and Building Rules, 2019 within a stipulated time fixed by this Honble Court.

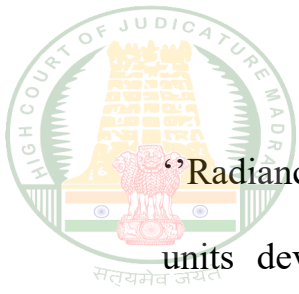
For Petitioner(s): Mr. Ralph V.Manohar

For Respondent(s): Mr.Akil Akbar Ali R1
Mr.P.Siddharth RR2 & 3

ORDER

The writ petition has been filed seeking to quash the impugned planning approval dated 05.09.2017 issued vide CMDA Letter No.C3(N) / 598/ 2015 and Greater Chennai Corporation Letter BP. No.CEBA/ WDC No.104/ 00293/ 2017 dated 18.09.2017 pertaining to the construction of the residential apartments in the name and style of Radiance Icon, Koyambedu and quash the same as arbitrary and opposed to the building regulations for Chennai metropolitan area and consequentially directing the 1st respondent to allot car and two-wheeler parking according to the Tamil Nadu Combined Development and Building Rules, 2019.

2. It is the case of the petitioner that he is a resident of residential project



“Radiance Icon” situated at Koyambedu, Chennai comprising 322 dwelling units developed pursuant to statutory approvals. The project was granted environmental clearance dated 14.07.2017, which imposed binding conditions including a categorical prohibition on allotment of car parking to Block C and a mandate to maintain 1,810 sq. m. of green belt with peripheral tree plantation. However, the first respondent vide impugned planning approval dated 05.09.2017, had sanctioned car parks for Block C and further permitted parking over areas earmarked for green belt, defeating the environmental safeguards. Challenging the same, the present writ petition has been filed.

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

4. The petitioner alleges violations of environmental clearance dated 14.07.2017 and Rule 28(5) of Building Regulations, 2008. The first and third respondents dispute the measurements and compliance. Such disputed questions of fact regarding driveway width, green belt area, and parking locations cannot be adjudicated in writ proceedings under Article 226. The proper forum is the State Environment Impact Assessment Authority or the Appellate Authority under the Tamil Nadu combined Development and Building Rules.

5. The petitioner has an efficacious alternative remedy of approaching the monitoring committee under the Environment Clearance or filing an appeal under Section 5A of the Environment Act, 1986 read with the National Green Tribunal Act, 2010. When statutory remedies exist, writ jurisdiction is not to be



invoked as a matter of course.

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6. The impugned planning permission is dated 05.09.2017 and the building permit was issued on 18.09.2017. The present writ petition is filed on 02.04.2026, after a delay of over 8 years. The petitioner, being a resident of the same project, cannot claim ignorance. There is no satisfactory explanation for the inordinate delay. Third-party rights have crystallised in favour of other flat buyers.

7. While the petitioner claims violation of fire safety norms, the records produced by CMDA show that Fire Service NOC was obtained prior to approval. This Court, in writ jurisdiction, will not re-appreciate technical reports or substitute its opinion for that of expert bodies like CMDA and Fire Services, in the absence of patent illegality.

8. In view of the above, this Court is not inclined to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India.

9. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

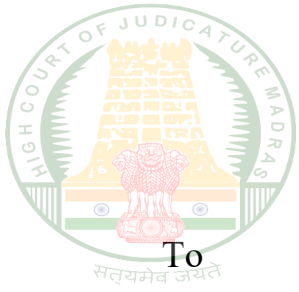
01-06-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



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