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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Pronounced on
16.10.2026	29.10.2026

CORAM

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No.40108 of 2025
CNR:{HCMA012436602025}
AND
WMP No.45058 of 2025, WMP No.52288 of 2025

Rajaram Film Directors Colony Welfare
Association,
Rep. by its Secretary, Mr.Kanagarajan,
Old No.18, New No.10,
Rajaram Film Directors Colony, Kodambakkam,
Chennai 600024.

..Petitioner(s)

Vs

1. The Secretary,
   Housing and Urban Development,
   Fort St.George, Chennai.

2. Member Secretary
   Chennai Metropolitan Development Authority,
   Egmore, Chennai 600008.

3. The Managing Director,
   Tamil Nadu Housing Board, Koyambedu,
   Chennai 600 107.

4. The Chief Engineer,
   Tamil Nadu Housing Board, Koyambedu,
   Chennai 600 107.

5. The Commissioner,
   Greater Chennai Corporation, Ripon Building,
   Chennai 600 003.

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6. The Thasildar,
   Egmore Taluk Office,
   No.88, Mayor Ramanathan Salai, Chetpet,
   Chennai 600 031.

7. The Executive Engineer,
   Greater Chennai Corporation, Ripon Building,
   Chennai 600003.

8. The Executive Engineer,
   Greater Chennai Corporation,
   Zonal Office -10, Kodambakkam,
   Chennai 600024.

9. Executive Engineer & ADO,
   K.K.Nagar Division
   Tamil Nadu Housing Board,
   C-48, TNHB Complex,
   Anna Nagar, Chennai 600 040.

10. Thiru.K.S.Venkataraman,
    Jains Shashi Griha Jagadambal Street,
    T.Nagar, Chennai 600 017.

11. Tmt. Srinias Mohini,
    Pooja Enclave, 884, Ramasamy Salai,
    K.K.Nagar, Chennai 600 078.

12. Tmt. Anuradha,
    14D, Rajaram Film Directors Colony,
    Anna Main Road, Kodambakkam,
    Chennai 600 024.

13. Tmt. Swathi Srinivas,
    D/o.Thiru.C.Venkataratnam,
    60-3-25, Flat No. 204, Kohinoor Apartment,
    Near ITI Bus Stop, Ashok Nagar,
    Sunnapubattila Center, Vijayawada 520 010.

14. Ananda Gandhi Natesan,
    S/o. K.Ganesan, Old No.7B and 7D,
    Rajaram Film Directors Colony,

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Kodambakkam, Chennai - 600 024.

15. Dr.Roja Sasi Kumar,
Old No. 8A and 8C,
Rajaram Film Directors Colony
Kodambakkam, Chennai - 600024.

16. V.Devendranath,
S/o. V.Narayanan,
Old No.12A, Rajaram Film Directors Colony,
Kodambakkam, Chennai - 600024.

17. Dr.Shobana Priya Sampath,
D/o.Sampath, Old No.2B and 2D,
Rajaram Film Directors Colony,
Kodambakkam, Chennai - 600024.

18. Mallika Sivakumar,
W/o. M.Sivakumar,
No.22B, Rajaram Film Directors Colony,
Kodambakkam, Chennai - 600024.

19. P.Nithyanandam,
S/o. D.Pandurangam,
Unit No.17 B, Rajaram Film Directors Colony,
Kodambakkam, Chennai - 600024.

20. V.Rajesh,
Represented by Power Agent
Dr.R.Venkatachalapathy and Sumathi,
All at 8B and 8D Rajaram Film Directors
Colony, Kodambakkam, Chennai - 600024.

21. Sheela Robin,
12B, Rajaram Film Directors Colony,
Kodambakkam, Chennai - 600024.
(R14 TO R21 IMPLEADED VIDE ORDER
DATED 08.10.2026 MADE IN
WMP.40913/2026 in WP.40108/2025)

..Respondent(s)

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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records for the 8th respondent passed in W.D.C.No.DA/WDCN10/00930/2024 dated 04/11/2024 and to quash the same and direct the 8th and 9th respondents to consider the representation dated 19/03/2024 and 14/05/2025 and grant permission for the petitioner to demolish with equal UDS to all members and to redevelop the property situated in Block No.44 of Puliyur Village, Egmore Taluk, Kodambakkam, Chennai District in T.S.No.1, 45, 46, 42, 41,47, and 48 and also direct the 8th respondent not to issue any individual building approval.

For Petitioner(s): Mr.K.S.Jeyaganeshan

For Respondent(s): Mr.C.Prabakaran,
Special Government Pleader for R1 to R6

Mr.C.Sudalaiselvan for R2

Mr.D.Veerasekaran for R3, R4 & R9

Mr.Arun Babu
Standing counsel for R5, R7 & R8

Mr.K.V.Babu for R10 to R13

Mr.S.M.S.Devadoss for R14 to R21

ORDER

The present Writ Petition has been filed challenging the order passed by the 8th respondent vide order dated 04.11.2024 and seeking consequential relief from the 8th and 9th respondents.

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2.The case of the petitioner is that the 3rd respondent/Tamil Nadu Housing Board has constructed 68 flats in 17 blocks, each block comprising four flats, in Town Survey No 1, Block No 44, of Puliyur village, Egmore Taluk. Kodambakkam, Chennai District and T.S. No.48,41,42,45/2,45, and part 1 in a single layout measuring 54 grounds and 835 sq. ft., in the possession of the petitioner association as a gated community. The construction was done in the year 1976 and the flats were allotted to 68 members for dwelling purpose. The owners of the said flats had formed an association in the name of Rajaram Film Directors Colony Welfare association which is registered under the Tamil Nadu Societies Registration Rules 1978 on 14.08.1990.

3.According to the petitioner each flat measures 932 sq. ft., and the layout comprises a children's play area, park and roads. The petitioner association has purchased a land to an extent of 1008 sq. ft., from the 3rd respondent for commercial purpose under Doc.No.1668 of 2005 dated 23.03.2005 registered before the SRO, Kodambakkam. According to the petitioner the total extent of the land now measures 55 grounds, 1843 sq. ft. The association has also purchased a property for the construction of a temple for a consideration of Rs.18,000/- and thereby the total extent of the property is 1,33,843 sq.ft., which is owned by 68 members and in which every single member is entitled to an undivided share of 1968 sq. ft. Also the petitioner made a representation on 19.09.2023 and 25.03.2024 before the 6th respondent for issuance of joint patta.

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Since the buildings had become old and were in a dilapidated condition, the petitioner association intended to redevelop the property and therefore, sought for a joint patta. Pursuant to the representation made by the petitioner, the 4th respondent/Chief Engineer attached to the Tamil Nadu Housing board has addressed a letter dated 04.01.1993 to the 2nd respondent seeking certain clarification.

4.According to the petitioners, the 2nd respondent had raised an issue relating to 4 in 1 apartment at Besant Nagar and the board had taken a comprehensive view relating to all types of houses, in which it was decided that "in case of Blocks comprising more than four apartments, the vacant space surrounding the block would be treated as "undivided property" and therefore, the vacant space cannot be marked individually. That being the situation, the Chennai Corporation/5th respondent had granted permission for demolishing the existing building in the subject property on 04.11.2024.

5.The Housing Board has filed its counter affidavit on behalf of 3rd, 4th and 9th respondents stating that the revised calculation of the UDS of land for the MIG flats was 1913.20 sq. ft. or 177.74 sq. mtr. Apart from this, there is a temple land to an extent of one ground and 760 sq. ft. which is common to all the flat owners of the Rajaram Colony. It is the specific case of the Housing Board that redevelopment of property is governed by Section 13 of the Tamil

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Nadu Apartment Ownership Act 2022, subject to the conditions prescribed therein. The said Section is extracted as follows:

> *"13. Notwithstanding anything contained in this Act, re-development of a project may be carried out on such terms and conditions, as may be prescribed,-*
>
> *(a) with the consent of not less than two-thirds of the apartment owners of the project; or*
> *(b) if the appropriate authority has certified that the building is in ruinous condition, or in a such a state that it may endanger the lives of the occupants or any other person."*

6.In the counter affidavit filed by the 9th respondent, it is a specific case of the Housing board which reads as follows.

> *"On the foregoing reasons, it is submitted that the revised UDS of land calculation for MIG flats in Rajaram Colony is 1913.20 sq.ft. or 177.74 sq. m. Further, the temple land of extent 1 ground 760 sq. ft. is common for all the flat owners of the Rajaram Colony. Further, that redevelopment cannot be undertaken without securing the consent of not less than two-thirds of the apartment owners of the entire project"*

7.The 2nd respondent/CMDA has filed a counter affidavit, wherein it was stated as follows:

> *"8. It is submitted that the allegations that the entire property constitutes a single gated community, that equal Undivided Share (UDS) should be allotted to all fiat owners, that common areas*

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would be affected, or that no individual planning permission ought to have been granted, are matters relating to ownership rights, civil disputes and inter se rights ofthe parties. Such issues do not fall within the statutory jurisdiction of the second respondent while considering an application for planning permission."

...

"11.It is submitted that the petitioner has also referred to the pendency of proceedings relating to joint patta before another authority. It is respectfully submitted that the mere pendency of any proceedings relating to patta or title does not automatically prohibit the statutory authority from considering an application for planning permission, unless there is a specific order of a competent Court or authority restraining such consideration.

12.1 submit that the Planning Permission granted by the second respondent neither determines nor confers title over the property. The grant of Planning Permission only signifies compliance with the planning laws and Development Regulations and shall always remain subject to the rights of parties, if any, as may be determined by the competent Civil Court or other competent authority.

13.1 submit that the allegations made by the petitioner regarding prejudice to other flat owners are denied. The second respondent has acted strictly within its statutory powers and has not exceeded its jurisdiction while granting the Planning Permission. It is therefore submitted that there is absolutely no infirmity, arbitrariness or illegality in the Planning Permission issued by the second respondent warranting interference by this Hon'ble Court under Article 226 oft he Constitution of India. It is

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therefore prayed that this Hon'ble Court may be pleased to dismiss the writ petition as against the second respondent and consequently dismiss the connected miscellaneous petitions, with costs, and thus render justice."

and claimed that the petitioners do not constitute a case as claimed by them.

8.The 8th respondent filed a status report, in which it is stated as follows:

"6.I respectfully submit that the respondents 10 to 13 herein are the owners of individual flats at Old No.14A to 14D, new No.20A to 20D, Rajaram Film Directors Colony, Kodambakkam, Puliyur, Chennai. Further, the Tamil Nadu Housing Board had executed a registered Rectification Deed in favour of the respondents 10 to 13 herein respectfully in and by which the Tamil nadu Housing Board has registered the Undivided share (UDS) in favour of respondents 10 to 13 herein with respect of Old No.14A to 14D, New No.20A to 20D, Rajaram Film Directors Colony. Thereafter, the respondents 10 to 13 herein have obtained individual patta in their favor.

7.I respectfully submit that accordingly the respondents 10 to 13 herein have jointly applied for demolition for their building at Old No.14A to 14D, New No.20A to 20D Block No.44, T.S.No.1/2, Rajaram Film Directors Colony, Kodambakkam, Puliyur, Chennai by enclosing the mandatory documents along with the Registered Rectification Deed and individual patta. After scrutinizing the application, demolition plan was accorded to the respondents 10 to 13 herein vide W.D.C.No.DA/WDCN10/00930/2024 dated 04.11.2024."

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9.Mr.K.V.Babu, learned counsel for the 12th respondent submitted that the impugned order dated 04.11.2024 has become infructuous as the property in question was demolished much prior to the interim protection granted by this Court and referred to the order dated 28.10.2025, where this Court has observed as follows.

> *"4. The primary plea of the petitioner seems to be that when the property is classified as undivided property, the private respondents alone cannot seek to demolish and put up a construction, leaving aside the other members of the Association. The petitioner also gave representations to respondents 8 and 9 calling upon them not to issue 'No Objection Certificate' for any building plan approval. To the shock and surprise of the petitioner, it has come to their notice on 04.11.2024, without notice to the Association or other flat owners, the 8 th respondent has granted a 'No Objection Certificate' for demolition of the building occupied by respondents 10 to 13. The petitioner pleads that redevelopment must be for the entire block and not for a particular flats alone. This issue has to be thrashed out. In case, respondents 10 to 13 put down the superstructures on the strength of the impugned order, it will be presenting fait accompli before the Court. Hence, there shall be an order of interim stay."*

10.According to the learned counsel for the 12th respondent, the Annual General Body meeting was held on 10.09.2023, wherein a resolution was passed stating that NOC shall be issued to all the members of the block for obtaining

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pattas, planning permit and undertaking development. According to the said resolution, the petitioner had issued a letter on 16.09.2023. It is a specific case of the 12th respondent that the term of office of the office bearers of the petitioner association had expired as early as 31.12.2013 and thereafter, no election was conducted. Therefore, the petitioner association has been defunct and a complaint was addressed to the District Registrar and the IG of registration on 18.06.2024.

11.In the typed set of papers filed by 10th, 11th, 12th and 13th respondents, a Google photo has been annexed at page No.325, showing that the disputed site has already been demolished and the Google map reflects that the photograph was taken on 24.06.2025 at about 6.23 a.m, however the interim protection was granted by this Court only on 28.10.2025, which is after the demolition of the entire building and he referred to the impugned order dated 04.11.2024.

12.He further pointed out that the petitioners have suppressed the factum of demolition of the subject property and has obtained the interim protection order by presenting a misleading facts before this Court.

13.Without going into the validity with regard to the petitioners association, whether it is still functioning or defunct or it is a registered one and whether an election has been conducted to establish that the petitioners

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association are still functioning, the fact remains that the Google photograph produced by the private respondents would show that the property was demolished as early as 24.06.2025, whereas the first interim order was granted by this court on 28.10.2025. Therefore, the impugned order challenged has become infructuous as the petitioner association's property was demolished.

14.The petitioners have not produced any contrary evidence before this court to show that the building is still in existence. Per contra, the evidence that has been provided by the private respondents shows that the property was demolished much prior to the interim protection granted by this Court.

15.In view of the same, nothing survives in the present petition and the Writ Petition is dismissed as devoid of merits, No costs. Consequently, connected Miscellaneous Petitions are closed.

29-10-2026

Index: Yes
Speaking order
Neutral Citation: Yes/No

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Pre-delivery order made in
WP No. 40108 of 2025 and
WMP NO. 45058 OF 2025, WMP NO. 52288 OF 2025

Dated 29-10-2026

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