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W.P.No.7341 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 16.04.2026

DELIVERED ON : 30.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No. 7341 of 2026
and WMP No.7896 of 2026

Chennai Hiranandanani Residents
Welfare Association
Rep by its Secretary, N.Venkatathri,
Regd. Office Ground Floor, Amalfi Tower,
House of Hiranandani,
5/63, Rajiv Gandhi Salai, Egattur
Chennai - 600 130.

Petitioner(s)

Vs

1. Directorate of Town and Country Planning
124, GST Road, Periyar Shopping Complex,
Chengalpettu - 603 001.
2. The Secretary
Housing and Urban Development
Department, State of Tamil Nadu,
Secretariat, Chennai-600 009.
3. Hiranandani Realtors Pvt. Ltd,
Rep by its Director, Surendra Lakhumal Hiranandani,
Having Registered Office at 2nd Floor,
Olympia Building, Central Avenue,
Hiranandani Gardens, Powai, Mumbai-400 076,



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Also at 5/63, Rajiv Gandhi Salai,
Egattur, Chennai-600 130.

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Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to consider and pass orders on the petitioner's complaint vide representation dated 21.10.2025 against the third Respondent and take appropriate action expeditiously and in accordance with Sections 56 and 57 of the Town and Country Planning Act, 1971 by preventing such illegal construction affecting the circular access road being put up by the 3rd Respondent without any valid permission for the same.

For Petitioner(s): Mr. K.Ravi, Senior Counsel
for Mr. Rohan Rajasekaran

For Respondent(s): Mr. A.Edwin Prabakar
State Government Pleader
for R1 and R2.

Mr. Shardul Singh
for Mr. Niranjana Rajagopalan
for R3.

ORDER

THE CHIEF JUSTICE

The petitioner has filed this writ petition seeking issuance of a writ of mandamus directing the first respondent to consider and



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pass orders on the petitioner's complaint vide representation dated 21.10.2025 against the third respondent and take appropriate action expeditiously and in accordance with Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 by preventing such illegal construction affecting the circular access road being put up by the third respondent without any valid permission for the same.

2.1. The facts in a nutshell are as follows: The petitioner, claims to be a registered Residents Welfare Association constituted under the Tamil Nadu Societies Registration Act, 1975, comprising residents of the "House of Hiranandani" Township situated at Egattur, Chennai. It is alleged that though Phase II construction was nearing completion, the third respondent failed to construct the clubhouse earmarked for Phase II and instead commenced construction of two residential towers, namely Octavius and Verona, at the very location reserved for the Phase II clubhouse as per the approved plan. On knowing that the third respondent had obtained revised plan approval dated 19.11.2020 permitting construction of the said towers, the petitioner association challenged the revised



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approval before this court in W.P.No.3935 of 2023. The said writ petition came to be dismissed by order dated 04.07.2023.

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2.2. Assailing the said order, the petitioner association preferred W.A.No.3328 of 2023 before a Division Bench of this court, which was allowed by judgment dated 08.04.2024, quashing the approval dated 19.11.2020. The review petition filed by the third respondent was subsequently withdrawn. Thereafter, the third respondent approached the Supreme Court by way of SLP (C) No.29239 of 2024, wherein an order of status quo was granted on 02.12.2024. Thereafter, by order dated 23.04.2025, the Supreme Court directed the third respondent to complete and make available the clubhouse facilities to residents on or before 31.03.2026 and also permitted construction of two towers at the promoter's risk and categorically restrained the third respondent from seeking any further modification of the sanctioned plan.

2.3. It is alleged that when things stood thus, the third respondent began putting up unauthorised structures, believed to be pump and tank rooms, on the internal circular access road



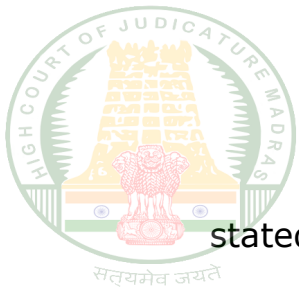
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adjacent to Phase II, which do not find place either in the valid 2012 approved plan or in the quashed 2020 plan. According to the petitioner, the said construction obstructs free access and circulation within Phase II of the township.

2.4. The petitioner association sent a detailed representation dated 21.10.2025 to the first respondent requesting immediate action and removal of the unauthorised construction. The said representation did not evoke any response and, on the other hand, the third respondent is continuing the illegal construction

2.5. It is stated that, subsequently, the Supreme Court, by order dated 10.11.2025, observed that any construction undertaken by the third respondent would be subject to the final outcome of the pending SLP. It is alleged that the third respondent is misinterpreting the said order to justify unauthorised constructions which are contrary to the Tamil Nadu Town and Country Planning Act, 1971.

2.6. Hence, the present writ petition is filed for the relief



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stated supra.

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3.1. Learned Senior Counsel appearing on behalf of the petitioner association submitted that the directive of the Supreme Court permitting the third respondent to put up any construction outside the scope of the SLP cannot be construed to mean that the third respondent can put up any construction without approval or sanction from the authorities concerned. Whatever construction is to be made should be within the four corners of law.

3.2. It is further submitted that the third respondent, in the place earmarked for construction of a clubhouse, has put up two residential towers and, therefore, the Division Bench of this Court set aside the approval and allowed the writ appeal. The matter is pending before the Supreme Court and the third respondent is putting up various illegal constructions and, therefore, the petitioner sent a representation to the first respondent. He, therefore, submitted that the said representation may be directed to be considered by the first respondent.



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4.1. Per contra, learned Senior Counsel appearing on behalf of the third respondent submitted that the petitioner is a welfare association purportedly registered under the Tamil Nadu Societies Registration Act, 1975 only in the year 2021 and claims to represent approximately 239 members drawn from across the township. The total number of allottees across the project exceed 2,248. The petitioner, therefore, represents a fraction of the total allottees and has no contractual or statutory right to enforce the collective rights of allottees in respect of common amenities.

4.2. It is further submitted that all construction activities being carried out on the project site are within the scope of and in accordance with the approvals granted and/or within the express liberty reserved by the Supreme Court in its order dated 10.11.2025, which permitted the third respondent to carry on construction/development work beyond the scope of the SLP.

4.3. It is further submitted that Phases 3 to 8 of the township project are not the subject matter of any prior or existing proceedings filed as far as approvals and plans are concerned and,



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therefore, the first respondent and other regulatory authorities are required to grant approvals for Phases 2 to 8 as sought and it is not open to the petitioner to obstruct or object to the same.

5. We have heard learned counsel on either side and given our anxious consideration to the submissions advanced.

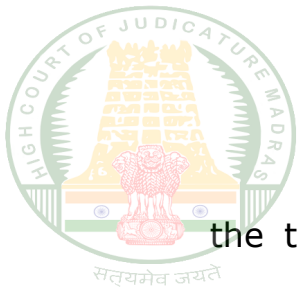
6. It is not in dispute that every allottee in the township enters into three registered instruments with the third respondent, namely, an Agreement for Sale, a Construction Agreement, and a Deed of Sale for undivided share of land. The third respondent is developing the project on 119.47 acres of land in 8 phases. Each phase comprises residential buildings and villas constructed or to be constructed as per the approved plan. The development has been proceeding under layout plans approved by the first respondent successively in 2012, 2016 and 2020. The 2020 plan reduces the density of the township from 6,882 units under the 2016 plan to 5,839 units; eliminates all hotel and retail/commercial components from within the residential township; and delivers an exclusive residential amenity in place of the earlier mixed-use Block No. 36.



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Phase 1 has been completed. Phase 2 is substantially complete with the clubhouse and three towers remaining.

7. It is apparent that each building within the township is required, under the contractual scheme entered into between the third respondent and each allottee, to form its own Owners Welfare Association of apartment owners as per the Tamil Nadu Apartment Ownership Act, 1994. This obligation is expressly stipulated in Clause 9(e) of the Construction Agreement. These building-wise Owners Associations are in turn required to constitute the Apex Association or Federation at the township level, as contemplated in Clause 9(d) of the Construction Agreement. It is these building-wise Owners Associations and their Apex Association/Federation that hold rights over the common amenities and common areas and are entitled to enforce those rights in accordance with law. This is further reinforced by Clause 3.1 of the Agreement for Sale which vests joint ownership rights in the building in the apartment owners/Association/Society formed in that building. The maintenance of common amenities including the STP, water treatment plant, lifts, motors and pumps is to be handed over by



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the third respondent to the building's Owners Association at the appropriate time as stipulated in Clause 9(f) of the Construction Agreement and the Owners Association shall not deny such handover. Additional capital expenditure for amenities is to be met from the Township Corpus Fund replenished by pro-rata contributions from allottees and defaults in such contributions entitle the Promoter/Owners Association/Apex Association/Federation to collect delay interest as per Clause 9(d).

8. The petitioner is not a building-wise Owners Association of any specific residential building within the township. It is not the Apex Association or Federation formed by the building associations. It claims to be a general welfare association formed in 2021 claiming to represent some members. While the petitioner states it represents 600 odd members, the third respondent asserts that only 200 odd members are enrolled. In any case what is not disputed is that there are over 2,248 allottees and they are members of their respective building-wise associations. They have not made any complaints in regard to this subject matter nor are impleaded as parties. There is no pleading that the petitioner is



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authorized by the building-wise associations to espouse their cause.

Clause 3.2 of the Agreement for Sale confines the rights of each allottee to the Schedule B Property. Clause 5.1 expressly bars any allottee from obstructing or hindering construction elsewhere in the complex. Clause 5.8 stipulates that the allottee has no right or authority or interest of any nature in the developments envisaged in the remaining portions of the complex. Clause 8.6 stipulates that no allottee of any building in the complex shall have any right of objection or concern in respect of the development of remaining portions. The petitioner, accordingly, has no contractual right to enforce the collective rights of allottees in respect of common amenities and does not have locus to seek the relief prayed for in the present writ petition.

9. During the construction of Phase II, the petitioner challenged the amendment to the approved plan questioning the change of location of the clubhouse in W.P.No.3935 of 2023. From the pleadings therein it is clear that the scope of that petition was limited to the shifting of the clubhouse from Block No.36 to Block No.37 and the construction of buildings Octavius and Verona in its



place.



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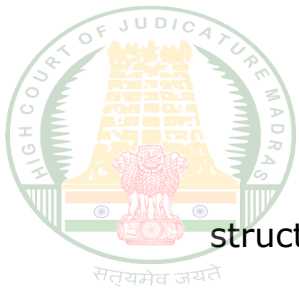
10. Qua Phase II, the orders passed by the Supreme Court dated 23.04.2025 and 10.11.2025 in SLP(C) No. 29239 of 2024 are clear and unambiguous. By its order dated 23.04.2025 in IA No. 49346 of 2025, the Supreme Court directed completion of the clubhouse by 31.03.2026 and permitted completion of two residential towers in Block 36 at the risk of the third respondent and subject to the outcome of the SLP, while also directing that there would be no further modification. In view thereof and so far as Phase II is concerned, the first respondent and all authorities concerned such as TRERA, TNCB, etc, shall process all applications and grant permissions, completion certificates and other approvals in respect of Phase II, being the clubhouse and buildings Octavius, Verona and Seagull, provided the proposals are otherwise in accordance with law. As directed by the Supreme Court all such permissions and approvals shall remain subject to the final outcome of the proceedings pending before the Supreme Court of India in SLP(C) No. 29239 of 2024.



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11. In so far as Phases 3 to 8 of the township are concerned, the same were not subject matter of the earlier petition and as such not subject matter of the above SLP. The said Phases 3 to 8 are not the subject matter of any pending legal proceedings. The Supreme Court by its order dated 10.11.2025 has expressly reserved liberty to the third respondent to carry on construction and development work beyond the scope of the SLP petition at the risk of the third respondent. The third respondent is, accordingly, free to develop Phases 3 to 8 in accordance with law. In view thereof and so far as Phases 3 to 8 are concerned, the first respondent and all authorities concerned such as NRERA, TNPCB, etc., shall process all applications and grant permissions, completion certificates and other approvals in respect of Phases 3 to 8 provided the same are otherwise in accordance with law.

12. As regards the grievance concerning the structures on the circular access road, alleged to be pump rooms and tank rooms put up without valid permission, we find that the petitioner has no locus to seek action in respect of constructions within the township. In any case, the third respondent has placed on record that these



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structures are essential service facilities being underground STP, pump rooms, water tank rooms, DG set and transformer that are ancillary to and consequential upon the approved residential towers. Needless to state that the third respondent shall be required to undertake the said activity in accordance with law and the same shall be compliant with the requirements of TNCB. More importantly, the Supreme Court by its order dated 10.11.2025 has expressly reserved liberty to the third respondent to carry on construction and development work beyond the scope of the pending SLP, subject to such construction remaining liable to the outcome of that petition. The prayer for enforcement action and injunction in respect of the circular access road structures is, accordingly, rejected.

13. We find it necessary to clarify one aspect. The orders of the Supreme Court are clear and binding on all parties and authorities. No one is entitled to read into those orders anything beyond what has been expressly stated. TRERA, DTCP, TNCB and all other competent authorities are, accordingly, required to process applications and grant permissions and completion certificates in



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accordance with law, without being impeded by complaints or representations that seek to obstruct what the Supreme Court has expressly permitted. We say this because it is brought to our notice that the clubhouse, which was directed to be completed by 31.03.2026 by the Supreme Court, has been completed but its completion certificate has not been granted, and that regulatory approvals for ongoing construction have been withheld, depriving over 2,248 allottees of facilities and amenities to which they are entitled. The authorities exercising statutory functions must act on the basis of the legal position as it stands and must not allow themselves to be deflected by representations that are inconsistent with binding judicial orders.

14. In the result, the writ petition is dismissed with the above observations and directions. There shall be no order as to costs. Consequently, interim application stands closed.

We observe that the interests of all allottees are best served by the expeditious completion of the project and that repeated litigation seeking to obstruct the same, especially what has been



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expressly permitted by the Supreme Court, is not in the interest of
the very members of the petitioner association.

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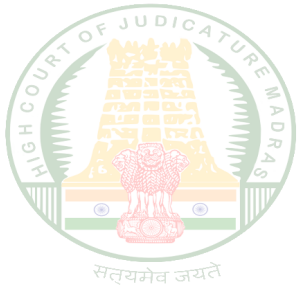
(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
30.04.2026

Index : No
Neutral Citation : No

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To:

1. The Directorate of Town and Country Planning
124, GST Road, Periyar Shopping Complex,
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2. The Secretary
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Department, State of Tamil Nadu,
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.
(sasi)

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