



**BEFORE THE TAMIL NADU REAL ESTATE
REGULATORY AUTHORITY (TNRERA)
(Tamil Nadu, Andaman & Nicobar Islands)
at Egmore, Chennai – 600 008**

[Under the Real Estate (Regulation and Development) Act, 2016]

C.No.024 of 2020

21st day of January, 2021

**Coram : Thiru K. Gnanadesikan, I.A.S.(Retired), Chairperson
Er. S. Manohar, Member
Adv. V. Jeyakumar, Member**

Tmt. Saranya Anish ... Complainant

Versus

M/s. Color Home Developer Pvt. ... Respondent
Limited

This Complaint came up for final hearing before the Authority in the presence of M/s. A&N Care Solicitors L. Narasimha Varman, Arun Saravanan, S. Nirmal Aditya and P.Vignesh – Counsel for the Complainant and of M/s. S.Anand, H.Visveswaran, P.A.Dellhi Babu – Counsel for the Respondent and upon hearing the arguments of both the parties, this Authority pass the following order:

FINAL ORDER

The Complainant has a house in Plot No.122 in a residential layout namely "Poonamallee Farms" in S.No.85/3 situated at Sorancheri village, Poonamallee Panchayat Union.

2. The Complainant has complained that the Respondent Promoter is putting up construction in the adjacent land causing severe damage to the foundation of the house and cracks have developed inside and outside of her home.

3. The Complainant has prayed for the following reliefs:

Relief Sought:

*To grant **PERMANENT INJUNCTION** restraining the Respondent or his men or his agents from putting up any type of construction in the adjacent land which is causing damage and huge menace to the Complainant's schedule mentioned villa and pass such other further orders which are deemed fit and necessary and thus render justice.*

Interim Order, if prayed for:

*To grant **AD INTERIM INJUNCTION** restraining the Respondent or his men or his agents from putting up any type of construction in the adjacent land which is causing damage and huge menace to the Complainant's schedule mentioned villa and pass such other further orders which are deemed fit and necessary and thus render justice.*

4. This Authority restrained the Respondent Promoter temporarily from proceeding further with the construction in the adjacent site until

further orders by this Authority having regard to the safety of the house of the Complainant.

5. The Respondent Promoter has filed a memo stating that they are in no way connected with the construction in the plot No.123 and some other contractor is constructing building in the Plot No.123.

6. In the Rejoinder the Complainant has reiterated that the Respondent Promoter is putting up the construction in the adjacent land of the Complainant.

7. The Authority referred the matter to Chennai Metropolitan Development Authority and the Commissioner of Poonamallee Panchayat Union for their inspection and report.

8. The Chennai Metropolitan Development Authority has sent a inspection report as received from the Block Development Officer, Poonamallee Panchayat Union to this Authority. In the report it is seen that one Tmt. P.Tamilarasi has obtained approval for construction of Ground Floor (under construction Ground Floor roof completed) with one dwelling unit at Plot No.123 from the Poonamallee Panchayat Union vide D.Dis.No.756/A3/2020 and Permit No.93168 dated 10.08.2020. Both the plots No.122 and 123 lie in the approved Layout approved by Chennai Metropolitan Development Authority vide PPD/L.O./No.04/2014 dated 07.02.2014. These two plots were inspected on 10.09.2020 and the construction is under progress (Ground Floor roof completed) in Plot No.123 and it is observed that there is no deviation with reference to the approved plan in respect of plot No.123. A copy of this report was also furnished to the Complainant and the Respondent Promoter.

9. This Authority has examined the Complaint, Memo filed by the Respondent Promoter, the Rejoinder filed by the Complainant and the report of the Block Development Officer, Poonamallee Panchayat Union as sent by the Chennai Metropolitan Development Authority carefully.

10. It is seen that the construction in Plot No.123 is done by one Tmt. P.Tamilarasi and not by the Respondent Promoter. It is also seen that there are no deviations in the Plot No.123 with reference to the approved plan. Therefore, this Authority holds that the Complainant is not entitled for the relief prayed by her.

11. With these findings, this Complaint is disposed of.

Sd/-...21.01.2021
MEMBER (M), TNRERA

Sd/-...21.01.2021
MEMBER (J), TNRERA

Sd/-...21.01.2021
CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER


ADMINISTRATIVE OFFICER


21.01.2021