

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2015

CORAM:

THE HONOURABLE MR. SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WRIT PETITION NO. 7063 OF 2014
AND M.P. NO. 1 OF 2014

Rev. Dr. A. Thomas, S.J. .. Petitioner

vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Housing and Urban Development
Department, Fort St. George
Chennai 600009.
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, call for the records of the 2nd respondent herein in his proceedings Letter No.C4/ 20756/12 dated 19.2.2014 so far as it relates to payment of Security Deposit of Rs.36,72,000/- alone, quash the same and further direct the 2nd respondent herein to accept the Bank Guarantee from the petitioner institution for a sum of Rs.36,72,000/- (Rupees thirty six lakhs and seventy two thousand only) towards security deposit for the period of 5 years instead of cash payment.

For Petitioner : Mr. S. Kasirajan

For Respondents : Mr. V.R. Kamalanathan
Addl. Govt. Pleader for R1
Mr. C. Johnson for R2

O R D E R

(Made by The Hon'ble The Chief Justice)

This writ petition, by consent, is disposed of in terms of the order dated 29.07.2015 passed by this Court in Writ Petition Nos. 16287 of 20015 and 28577 of 2008 (Shriram Properties and Infrastructures Private Limited, rep. by its Assistant Vice President (Projects), Chennai vs. State of Tamil Nadu, Housing and Urban Development Department, Chennai and The Member Secretary, Chennai Metropolitan Development Authority) and the relevant portion is extracted as under:

"5. Insofar as the present petitions are concerned, the same are disposed of as per the interim orders already passed which shall partake the character of the final orders on condition that the amount demanded under the Caution Deposit as well as the amount demanded under the Security Deposit is kept secured by the Bank Guarantees. The Bank Guarantee for Caution Deposit as per orders passed in Writ Petition No.5350 of 2006 has to be kept in force for a period of five years, while for Security Deposit, it has to be kept in force till the completion of the building."

No costs. Consequently, M.P. No.1 of 2014 is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

सत्यमेव जयते
Sub Asst. Registrar

Copies to;

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1. The Secretary to Government
State of Tamil Nadu
Housing and Urban Development
Department, Fort St. George
Chennai 600009.

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

+1cc to M/s.C.Johnson Advocate sr.49695
+1cc to M/s.P.Duraisamy Advocate sr.49629

W.P. No. 7063 of 2014

vs[col]
srg 30.09.2015



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