

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2015

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THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.37364 of 2015
and M.P.No.1 of 2015

M/s. Sri Krishsha Builders & Property
Developers Private Limited,
Rep. by its Managing Director P.Nandakumar
15, Poonamallee High Road, Maduravoyal,
Chennai - 600 095. ..Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing & Urban Development Department,
Fort St.George, Chennai - 600 009.
2. Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Letter No.C3(IV)/12692/2013 dated 30.09.2015 and quash the same in so far as the demand for payment of interest @ 9% for Security Deposit amount in advance for the Planning Permission validity period (3 years) both for Building and STP and demand for payment in Cash towards Security Deposit for display Board is concerned and further direct the 2nd respondent to grant planning permission as sought for by the petitioner in respect of proposed construction at S.No.265/1C, 265/2, 265/5 of Ayapakkam Village, Thiruverkkad Main Road, Chennai without insisting upon the payment of interest for Security Deposit and payment of cash towards Security Deposit for Display Board.

For Petitioner : Mrs.Hema Muralikrishnan

For Respondent 1 : Mr.R.Rajeswaran
Special Government Pleader

For Respondent 2 : Mr.K.Rajasrinivas

ORDER

Heard Mrs.Hema Muraliskrishnan, learned counsel appearing for the petitioner and Mr.R.Rajeswaran, the learned Special Government Pleader appearing for the first respondent and Mr.K.Rajasrinivas, learned counsel appearing for the second respondent and with their consent, the Writ Petition is taken up for final disposal.

2. The petitioner has challenged the order passed by the CMDA dated 30.09.2015, in and by which, the petitioner has been directed to pay interest at the rate of 9% for the Security Deposit, which was furnished by the petitioner as pre-requisite, for grant of planning permission in the form of Bank Guarantee.

3. The learned Counsel appearing for CMDA brought to the attention of this Court G.O.Ms.No.137 dated 05.11.2015, in and by which, the Government permitted the CMDA to accept Security Deposit in the form of Bank Guarantee, but, however rejected the proposal of CMDA proposing to collect 9% interest for the Security Deposit. The operative portion of G.O.Ms.No.137 dated 05.11.2015 reads as follows:

"4. The Government after careful examination accept the proposal of the Member-Secretary, Chennai Metropolitan Development Authority in para-3 above except the provision to collect 9% interest in cash for the entire security deposit amount and decided to issue variation to the said Regulations and to issue a Notification to this effect as appended to this Government Order."

4. In the light of the above, the impugned demand for interest at 9% on Security Deposit is not sustainable in law. Furthermore, the petitioner is entitled to furnish the Security Deposit by way of Bank Guarantee, in the light of the amendment approved vide G.O.Ms.No.137 dated 05.11.2015.

5. As far as the amount regarding display board is concerned, it is open to the petitioner to remit the same in cash. In all other respects, the petitioner shall comply with the requirements as demanded in the impugned proceedings. This writ petition is allowed to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed.
ds

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary to Government,
The State of Tamil Nadu,
Housing & Urban Development Department,
Fort St.George, Chennai - 600 009.
2. The Member Secretary
Chennai Metropolitan Development Authority,
Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

+1 C.C. To MR.G.Muralikrishnan, Advocate in SR.NO.64811

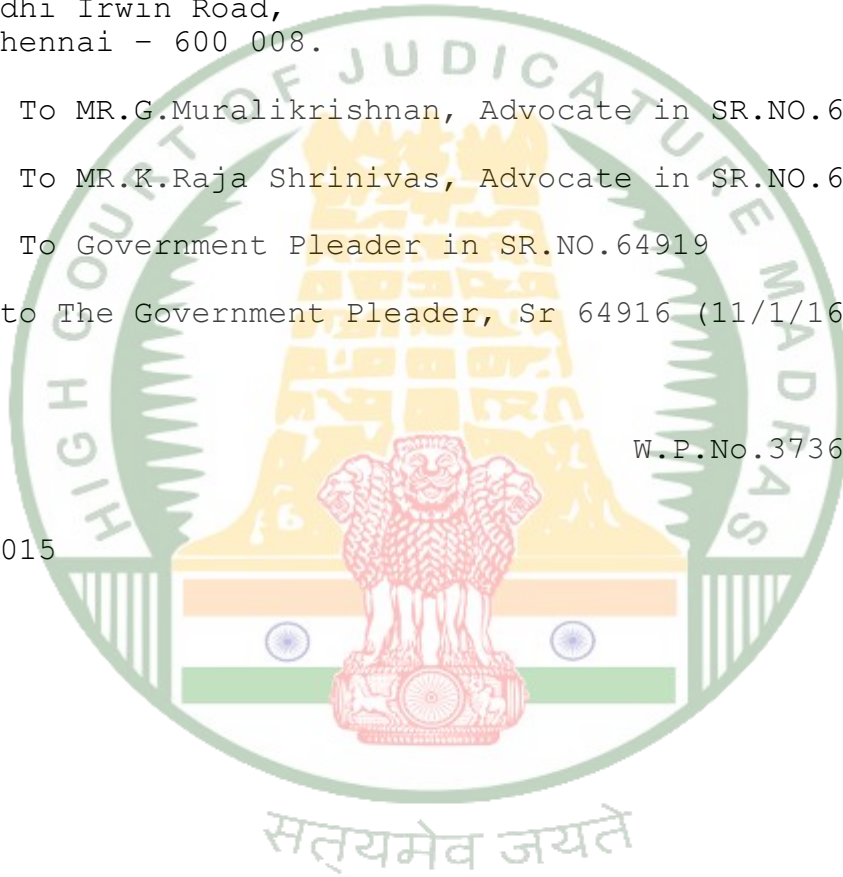
+1 C.C. To MR.K.Raja Shrinivas, Advocate in SR.NO.64798

+1 C.C. To Government Pleader in SR.NO.64919

+ 1 cc to The Government Pleader, Sr 64916 (11/1/16)

W.P.No.37364 of 2015

CTK(CO)
sd : 09/12/2015



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