

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2015

CORAM

THE HONOURABLE MR.JUSTICE.N.KIRUBAKARAN

W.P.No.11217 of 2006

A.Amboiram

.. Petitioner

.Vs.

1.Govt.of Tamil nadu,  
Rep.by its Secretary to Govt.  
Housing & Urban Development Dept.  
Fort St.George,  
Chennai 600 009.

2.The Member Secretary,  
Chennai Metropolitan Development Authority,  
Chennai 600 008.

..Respondents

Prayer: This Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari to call for the records in G.O.(D)No.36 dated 16.01.2006 on the file of the first respondent confirming the order of the second respondent dated 30.09.2003 and quash the same in so far the payment in the open space reserved charges.

|                |   |                            |
|----------------|---|----------------------------|
| For Petitioner | : | Mr.V.Chandrakanthan        |
| For R1         | : | Mr.V.Jayaprakash Narayanan |
| For R2         | : | Mr.C.Johnson               |

सत्यमेव जयते  
ORDER

This writ petition has been filed by the petitioner seeking to challenge the G.O.(D)No.36 dated 16.01.2006 passed by the first respondent, confirming the order of the second respondent dated 30.09.2003, with regard to the payment of Open Space Reservation Charges and other charges. The petitioner applied for regularization of ground and two floors industrial building at Door No.133, Velacherry, Taramani Road, in S.No.284/1B1 of Velachery Village, Chennai through application dated 28.10.2010. The Regularization application was considered and demand notice for payment of regularization fee, Open Space Reservation Charges and other charges was sent on 30.09.2003. Against which, the appeal has been preferred by the petitioner.

2. The Chennai Metropolitan Development Authority sent remarks to the Government. At the time, the petitioner has filed this writ petition in W.P.No.11217 of 2006 against the G.O.(D)No.36, Housing and Urban Development Department, dated 16.01.2006. The second respondent has filed a counter affidavit of the case, in which, in paragraph-10, it is stated as follows:

"I further submit that presently the Hon'ble Court in all Regularization cases passed the order on 23.08.2006 quashing all the Regularization schemes of the year 2000, 2001 and 2002 and upheld only 1999 years scheme with the condition that all the buildings constructed on or before 28.02.1999 alone is valid in law. Therefore, all the Regularization applications are once again taken up for Regularization after 23.08.2006 and fresh notice was sent on 03.10.2013 and the petitioner in-turn gave a reply on 01.11.2013 enclosing all attested copies of documents. Therefore, the petitioner's application will be once again scrutinized and further orders will be passed in the Regularization Application. Therefore, the order passed in G.O.(D)No.36, Housing and Urban Development Department, as become infructuous and hence the writ petition is liable to be dismissed."

3. It is made clear that the petitioner's Regularization application has been taken up for regularization after 23.08.2006 and fresh notice was sent on 03.10.2013. A reply along with the attested copy of the documents were sent by the petitioner on 01.11.2013.

4. In view of that the Chennai Metropolitan Development Authority is directed to pass orders on the Regularization application within a period of twelve weeks.

In the above directions, the writ petition is disposed of. No cost.

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-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

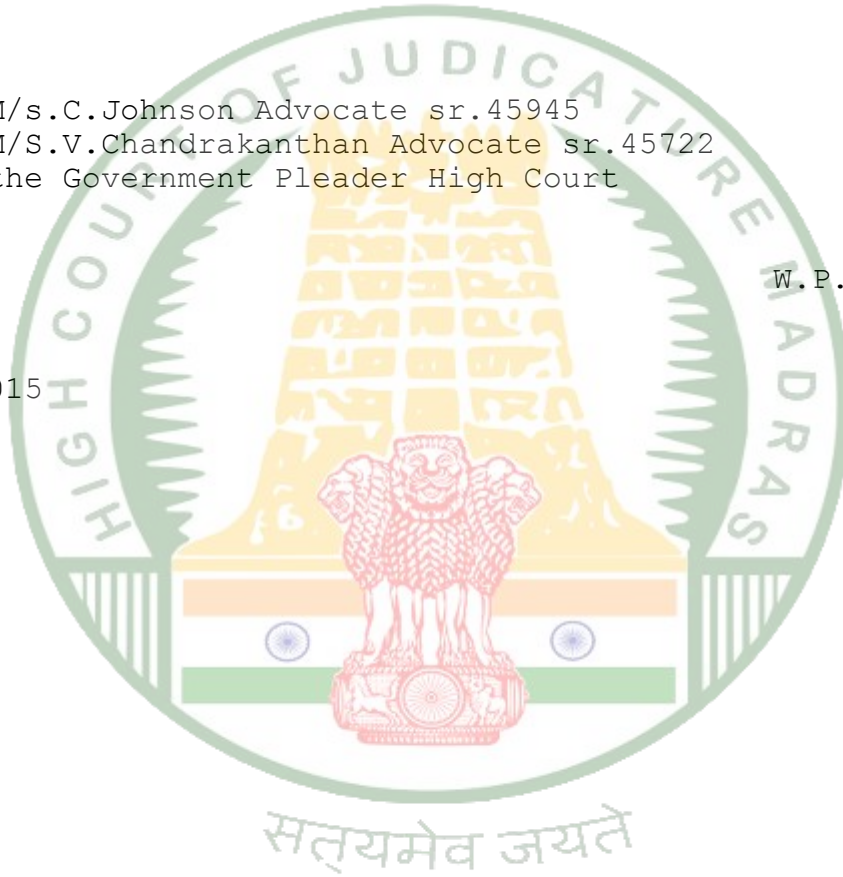
1.The Secretary to Govt.  
Housing & Urban Development Dept.  
Fort St.George,  
Chennai 600 009.

2.The Member Secretary,  
Chennai Metropolitan Development Authority,  
Chennai 600 008.

+1 cc to M/s.C.Johnson Advocate sr.45945  
+1 cc to M/S.V.Chandrakanthan Advocate sr.45722  
+1 cc to the Government Pleader High Court  
sr.45810

W.P.No.11217 of 2006

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