

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.29606 of 2014

and

M.P.No.1 of 2014

Life Insurance Corporation of India,
Southern Zonal Office,
LIC Building, PB No.2450,
153, Anna Salai, Chennai-600 002,
rep. by its Assistant Secretary (Legal) ... Petitioner

-vs-

- 1.The State of Tamil Nadu,
rep. by its Secretary,
R.D.L.A. Department,
Fort St. George, Chennai-600 009.
- 2.The Chennai Metropolitan Development Authority,
rep. by its Member Secretary,
No.1, Gandhi Irwin Road,
Thalamuthu Natarajan Building,
Egmore, Chennai-600 008.
- 3.The Corporation of Chennai,
rep. by its Commissioner,
Ripon Buildings,
Chennai-600 003. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration, declaring that Regulation 28(8) read with Annexure XX of the Development Regulation in the Second Master Plan 2026 in so far as the mandates that Ten percent of the area excluding road shall be reserved and this space shall be transferred to the Authority or to the local body designated by it, free of cost through a gift deed" in so far as it relates to multistoreyed building, violative of Article 300-A read with Article 14, is unconstitutional and is ultra vires the provisions of Section 9-C, Section 17, 18 & 20 of the Tamil Nadu Town and Country Planning Act and is null and void and consequently, direct the

respondents to issue planning permission pursuant to the application dated 19.10.2011 of the petitioner.

For Petitioner : Mr.G.Masilamani
Senior Counsel
for M/s.Mani Sundargopal

For Respondents : Mr.R.Vijayakumar
Addl. G.P. for R1
Mr.Arulmozhi for R2 & R3

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The learned counsel for parties agree that since the challenge to the question was repelled by this Court in W.P.Nos.11934 of 1995 and 23397 of 2007, against which, Special Leave Petitions were filed, leave granted and the case is numbered as C.A.No.7334 of 2013, which is pending before the Hon'ble Supreme Court, the present petition be disposed of to abide by the decision of the Hon'ble Supreme Court. Ordered accordingly. No costs. Consequently, M.P.No.1 of 2014 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr

To

1.The Secretary,
R.D.L.A. Department,
Fort St. George, Chennai-600 009.

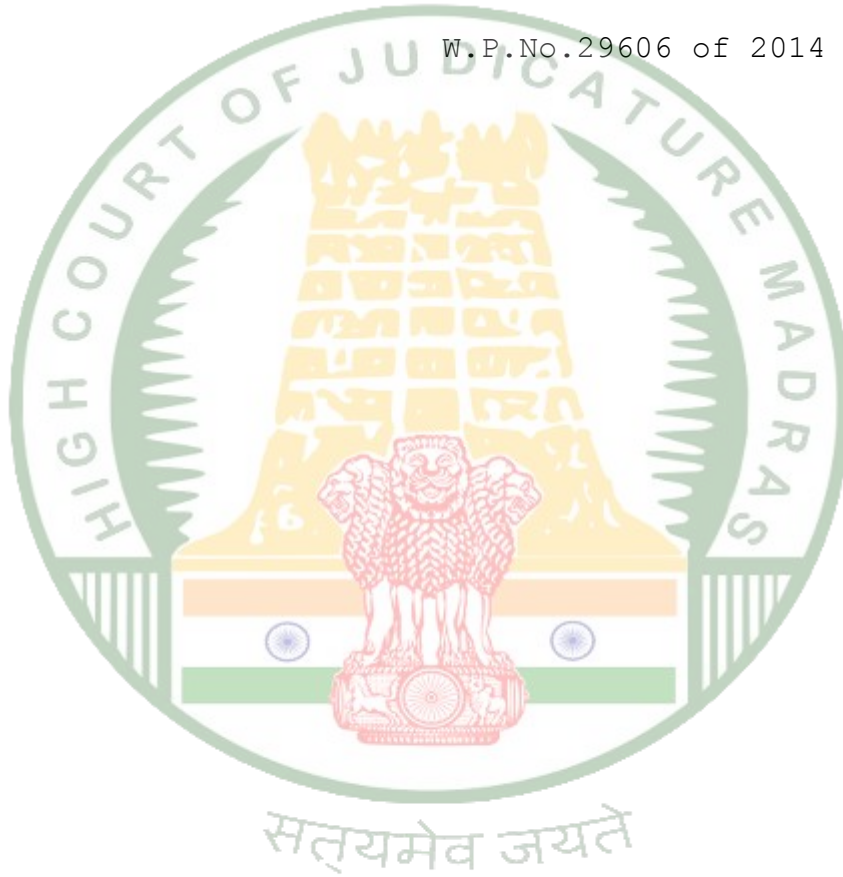
2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Thalamuthu Natarajan Building,
Egmore, Chennai-600 008.

3.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.

+1cc to Mr.Manisundargopal, Advocate, S.R.No.71932
+1cc to Mr.R. Arunmozhi, Advocate, S.R.No.92175
+1cc to the Government Pleader, S.R.No.72134

mv (CO)
md(23/12/2016)

W.P.No.29606 of 2014



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