

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.22926 of 2002

and

W.M.P.Nos.31605 and 31606 of 2002

V.Ramakrishnan

.. Petitioner

..Vs..

1. State of Tamil Nadu, Rep.by
The Deputy Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Chennai Metropolitan Development Authority,
No.8, Gandhi Irwin Salai,
Egmore, Chennai - 600 008
Rep.by its Member Secretary ... Respondents

Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent comprised in its letter No.C6/Reg/50947/2000 dated 1.3.2002 as also the consequential order in appeal of the first respondent in Letter No.14891/UD1/2002-1, dated 30.04.2002 and quash the same in so far as it relates to the demand for land use violation, incorrect FSI violation, Open Space Reservation charges and Metro Water infrastructure charges and interest thereon and consequently direct the second respondent to levy and collect regularization fee only in respect of FSI violation as per the actual FSI deviation of 3226.4sq.meters in terms of Tamil Nadu Town and Country Planning Act read with Development Control Rules and the Application, assessment, collection and Regularization Fee (Chennai Metropolitan Area) Rules, 1999 as amended from time to time thereby granting the planning permission.

For Petitioner	: Mr.Rahul Balaji
For R1	:Mr.R.Rajeswaran, Special Government Pleader
For R2	:Mr.N.Sampath

ORDER

Heard Mr.Sathish Parasaran, learned counsel appearing for the petitioner, Mr.R.Rajeswarran, Special Government Pleader, learned counsel appearing for the first respondent and Mr.N.Sampath, learned counsel for the second respondent and with their consent, this Writ Petition is taken up for final hearing.

2. The petitioner has come forward with this Writ Petition for issuance of Writ of Certiorarified Mandamus calling for the records of the second respondent comprised in its letter No.C6/Reg/50947/2000 dated 1.3.2002 as also the consequential order in appeal of the first respondent in Letter No.14891/UD1/2002-1, dated 30.04.2002 and quash the same in so far as it relates to the demand for land use violation, incorrect FSI violation, Open Space Reservation charges and Metro Water infrastructure charges and interest thereon and consequently direct the second respondent to levy and collect regularization fee only in respect of FSI violation as per the actual FSI deviation of 3226.4sq.meters in terms of Tamil Nadu Town and Country Planning Act read with Development Control Rules and the Application, assessment, collection and Regularization Fee (Chennai Metropolitan Area) Rules, 1999 as amended from time to time thereby granting the planning permission.

3. In paragraph 5 of the affidavit, the petitioner would admit that he sought for regularization under the Regularisation scheme formulated by the Government in the year 2000.

4. Admittedly, the scheme was struck down and the order was also upheld by the Hon'ble Supreme Court. Therefore, at this distance of time, nothing survives for adjudication in the Writ Petition and accordingly, this petition is closed, leaving it open to the petitioner to approach the respondents, if they have any other further grievances. No costs. Consequently, connected miscellaneous petitions are closed.

nvi

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

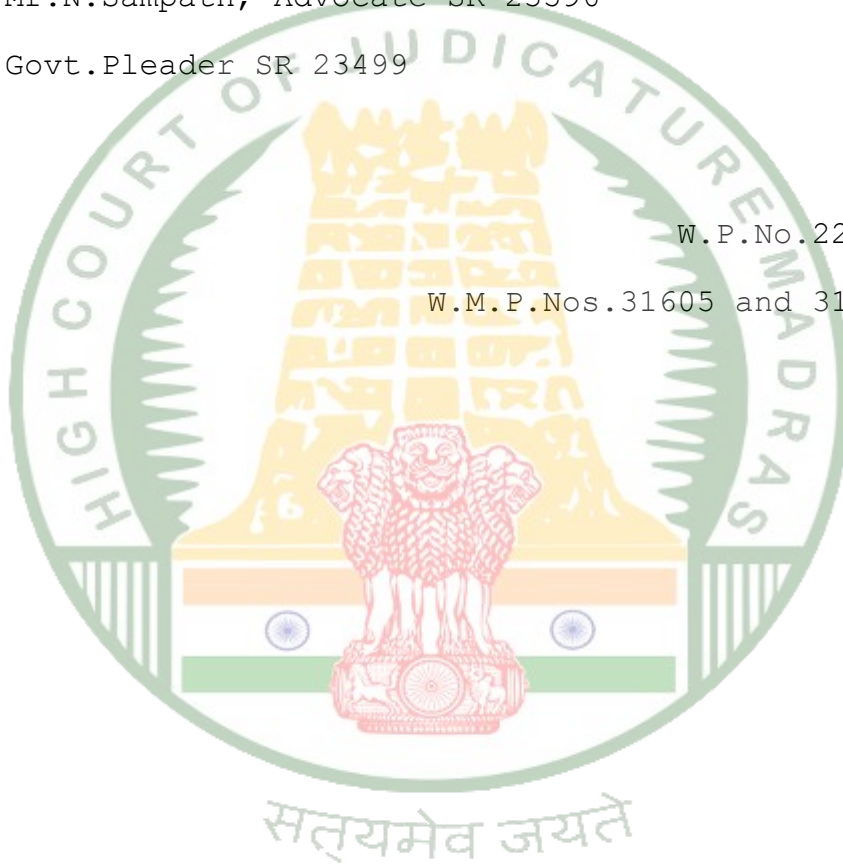
To:

1. The Deputy Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.8, Gandhi Irwin Salai,
Egmore, Chennai - 600 008

+ 1 cc to Mr.N.Sampath, Advocate SR 23596

+ 1 cc to Govt.Pleader SR 23499

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