

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2017

CORAM :

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

W.P.No.2042 of 2017

1.Meena Shivakumar
2.K.Shivakumar

... Petitioners

-Vs-

1. The Member Secretary,
Chennai Metropolitan Development Authority,
No.8, Gandhi Irwin Road,
Egmore, Chennai 600 008.
2. Government of Tamil Nadu,
rep. By Secretary,
Housing and Urban Development Dept.,
Fort St. George, Chennai 600 009.

.... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records in impugned order No.Reg.I/B4/BCI/46543/2000 dated 19.10.2016 on the file of the 1st respondent herein and quash the same and direct the 1st respondent herein to regularize the building with reference to the Assessment and Collection of Regularization Fees (CMA) Rules 1995 amended upto 24.04.2002 and to issue revised approved plan after receiving the regularization fees and other charges as demanded by its letter dated 03.10.2001 in Reg-I/B4/BCI/46543/2000 in respect of the petitioners' property bearing New No.33, Old No.16/5, Akbarabad 1st Street, Kodambakkam, Chennai 600 024.

For Petitioner : Mr.S.Sadasharam

For Respondents : Mr.K.Raja Srinivas for R-1
: Mr.R.Vijayakumar
Additional Government Pleader
for R-2

O R D E R

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

Learned counsel for the petitioner initially sought to contend that the amount demanded by the respondent, the petitioner would be willing to pay, but then it is pointed out by the learned counsel for the CMDA that the issue is not of payment but whether the construction was completed before the cut-off date of 28.02.1999. In that behalf, we are informed, that an appeal by the erstwhile owner from whom the petitioner purchased is pending consideration. If that be the position, then the petitioner ought to exhaust the remedy as set out in the impugned letter dated 19.10.2016 itself, i.e. preferring appeal to the authorities concerned under Section 113 (A) (6) of the Town and Country Planning Act, 1971, read with Rules 7 and 8 of the Application, Assessment and Collection Regularization Fee (CMA) Rules, 1999.

2.Learned counsel for the petitioner, thus, seeks to withdraw the petition with liberty to approach the appellate authority. Endorsement is made.

Writ petition is dismissed as withdrawn in terms aforesaid.
No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
No.8, Gandhi Irwin Road,
Egmore, Chennai 600 008.

2. The Secretary,
Government of Tamil Nadu,
Housing and Urban Development Dept.,
Fort St. George, Chennai 600 009.

+2cc's to Mr.S.Sadasharam, Advocate, S.R.No.5361
+1cc to Mr.K.Raja Srinivas, Advocate, S.R.No.5484
+1cc to the Government Pleader, S.R.No.5652

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PVS(CO)
CA(09/02/2017)