

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.20474/2007 & MP.No.1/2007

1.V.Sudhakar
2.V.S.Balaji
3.V.S.Rajesh

Petitioners

Versus

1.State of Tamil Nadu
rep.its Secretary
Housing and Urban Development
Department, Fort St George
Chennai 600 009.

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

Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Declaration declaring Rule 19[b] III B of the Development Control Rules for Chennai Metropolitan Area and also Rule 7 of the Rules for Information Technology Park contained in Annexure-XV of the Development Control Rules, as ultra vires the Tamil Nadu Town and Country Planning Act, 1971, illegal, unconstitutional and unenforceable inasmuch as they relate to the demand of Security Deposit and Caution Deposit for the proposed development insofar as the petitioners are concerned, and to consequently direct the 2nd respondent to issue Planning Permission on the application of the petitioners without insisting on payment of a total sum of Rs.8,85,000/- as Security Deposit and a sum of Rs.71,63,000/- as Caution Deposit in terms of Letter No.C3/7451/2006 dated 23.05.2007 on the file of the 2nd respondent.

For Petitioners: Mr.V.Seshadri

For R1 : Mr.A.N.Thambidurai, Spl.GP

For R2 : Mr.N.Sampath

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The learned counsel for the petitioners would submit that in the light of passage of time and subsequent development, nothing survives for adjudication in this writ petition.

2 The Court heard the submissions of Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the 1st respondent and Mr.N.Sampath, learned Standing Counsel appearing for the 2nd respondent.

3 In the light of the said submission by the learned counsel for the petitioners, the writ petition is dismissed as infructuous. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Secretary
State of Tamil Nadu,
Housing and Urban Development
Department, Fort St George
Chennai 600 009.

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

+1cc to Mr.N.Sambath, Advocate, S.R.No.64308

WP.No.20474/2007

MSM(CO)
GN(27/09/2017)