

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.11.2017
CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.Nos.1727 and 1728 of 2013
And
M.P.Nos.1 and 1 of 2013

M/s.Deco De Trend
Represented by its Manager (Admin)
Mr.Ramesh Chandak ... Appellant in both the appeals/
Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Deputy Director,
Directorate of Town and Country Planning,
Chenglepattu Zone,
No.131, G.S.T.Road,
Chenglepattu.
- 3.The Commissioner,
Kunrathur Panchayat Union,
Padappai,
Kancheepuram District.

... Respondents in both the appeal/
Respondents

Common Prayer:

Writ appeals filed under Clause 15 of Letters Patent Act praying to set aside the order dated 30.06.2011 passed in W.P.Nos.19565 and 19566 of 2010 respectively.

Prayer in WP.No.19565/2010: may be pleased to issue a writ of declaration or any other writ, order or direction in the nature of a writ of declaring that the provisions of the Tamil Nadu Town and Country Planning (Second Amendment) Act 2007 and the Tamil Nadu Town and Country Planning (Levy of infrastructure and

Amenities Charges) Rules 2008 as unconstitutional arbitrary and illegal

Prayer in WP.No.19566/2010: may be pleased to issue a writ order or direction more particularly a writ of certiorari call for the records relating to the communication Na.Ka.No.40/07/Che.Dt.7 dated 25.05.2010 on the file of 2nd respondent and to quash the same in so far as the demand for payment of infrastructure and Amenities Charges in the sum of Rs.72 65 000/- (Rupees Seventy two Lakhs and Sixty five thousand only) in respect of the petitioners industrial building in survey Nos.395/4A 395/7B 400/1 400/2A 400/2B4A 400/2B4B as setout in the petitioners application dated 13.09.2006.

For Appellant : Mr.T.Karunakaran

For Respondents : Ms.A.Srijayanthi

Special Government Pleader

COMMON JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

The challenge in these appeals is to the common order dated 30.06.2011 in W.P.Nos.19565 and 19566 of 2010 dismissing the writ petitions filed by the appellant along with the connected writ petitions.

2.When the appeals were taken up for hearing, the learned counsel for the appellant submitted that the related appeals were allowed by a Division Bench of this Court by judgment dated 27.08.2013 in W.A.Nos.1808 of 2011 etc., batch and the matter is remanded for fresh consideration. The writ petitions are now pending before a learned Single Judge of this Court for fresh disposal.

3.The learned Special Government Pleader confirmed the said factual position.

4.The issue involved herein is covered by the judgment dated 27.08.2013 made in the intra court appeals in W.A.Nos.1808 of 2011 etc., batch. The Division Bench remitted the matter to the learned Single Judge for fresh consideration. The connected writ petitions are now pending before the learned Single Judge for hearing.

5.Accordingly, by following the judgment dated 27.08.2013 made in W.A.Nos.1808 of 2011 etc., batch, these two intra court appeals are allowed by remitting the matter to the learned Single Judge for fresh consideration and for final disposal

6.The Registry is directed to post the writ petitions in W.P.Nos.19565 and 19566 of 2010 along with the connected writ petitions in W.P.Nos.25997 of 2009 etc., batch before the concerned learned Single Judge. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS V III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai -600 009.
- 2.The Deputy Director,
Directorate of Town and Country Planning,
Chenglepattu Zone,
No.131, G.S.T.Road,
Chenglepattu.
- 3.The Commissioner,
Kunrathur Panchayat Union,
Padappai,
Kancheepuram District.
4. The Section Officer,
Writ Section,
High Court, Madras.

+1cc to Government Pleader Sr.No.78986/17

W.A.Nos.1727 and
1728 of 2013

And
M.P.Nos.1 and 1 of 2013

SJ(CO)
sm:29.11.2017