

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.22178 and 22179 of 2003  
and  
W.P.M.P.Nos.27463, 27464 and 27466 of 2003

N.Sairam .. Petitioner in both the  
Writ Petitions

Vs.

1. State of Tamil Nadu represented by  
Secretary to Government,  
Housing and Urban Development Department,  
Secretariat, Fort St.George, Chennai-600 009.
2. Chennai Metropolitan Development Authority,  
by its Member-Secretary,  
No.8, Gandhi Irwin Salai,  
Egmore, Chennai-600 008.  
.. Respondents in W.P.No.22178 of 2003
1. State of Tamil Nadu represented by  
Secretary to Government,  
Housing and Urban Development Department,  
Secretariat, Fort St.George, Chennai-600 009.
2. Chennai Metropolitan Development Authority,  
by its Member-Secretary,  
No.8, Gandhi Irwin Salai,  
Egmore, Chennai-600 008.
3. The Chennai Metropolitan Water Supply and  
Sewerage Board,  
No.1, Pumping Station Road,  
Chennai-600 002,  
Rep. by its Managing Director  
.. Respondents in W.P.No.22179 of 2003

Writ Petition No.22178 of 2003 filed under Article 226 of the  
Constitution of India, praying for issuance of a Writ of  
Declaration declaring that the provisions of Rule 19(b)(III-B)  
of the Development Control Rules and Rule 13 of the Special

Rules for multi-storied building as ultra-vires, illegal, unconstitutional and unenforceable insofar as it relates to levy and collection of Security Deposit for proposed Development and consequently direct the respondents to issue planning permission for putting up commercial building (stilt floor + 4 floors) at Door No.156, Greams Road, Nungambakkam, Chennai, without insisting on security deposit for proposed development as contained in the communication dated 28.07.2003 in Lr.No.B(C1)/11818/2003 of the second respondent.

Writ Petition No.22179 of 2003 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent comprised in Lr.No.B(C1)/11818/2003, dated 28.07.2003 and quash the same insofar as it related to payment of infrastructural improvement charges and consequently direct the respondents to grant planning permission for construction of commercial building (shops and offices) at Door No.156, Greams Road, Nungambakkam, Chennai in (R.S.No.39/9), Block No.8, without insisting on payment of infrastructural improvement charges or any other levy which is unreasonable and illegal.

For Petitioners :Ms.Surasika for M/s.R.Parthasarathy

For Respondents :Mr.K.V.Dhanapalan, Spl.G.P.

for R-1 in both W.Ps.

Mr.Raja Shrinivas for R-2 in both W.Ps.

Mr.V.Janakiraman for R-3 in

W.P.No.22179 of 2003

ORDER

W.P.No.22178 of 2003: Learned counsel for the petitioner fairly submitted that the issue raised in this Writ Petition is covered by a decision of a Division Bench of this Court reported in 2011 SCC Online Mad 1485 = 2011 (8) Mad.L.J. 209 (Sumanth and Company Vs. State of T.N). In view of the law laid down by the Division Bench of this Court in the said decision, W.P.No.22178 of 2003 is dismissed. If any amount is due to the respondents, the same shall be paid by the petitioner within one month from the date of receipt of a copy of this order.

W.P.No.22179 of 2003: It is submitted by the learned counsel for the petitioner that for obtaining planning permission, necessary charges have been paid and necessary amount has also been paid as security deposit at the time of making application for planning permission for construction of commercial building and that the security deposit amount has already been refunded by the respondents. In view of the above submission, nothing

further survives for consideration and W.P.No.22179 of 2003 is accordingly dismissed as having become infructuous.

No costs. W.P.M.Ps. are closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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Copy to

1. The 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.
3. The Managing Director,  
Chennai Metropolitan Water Supply and  
Sewerage Board,  
No.1, Pumping Station Road,  
Chennai-600 002.

+1 CC to Govt. Pleader sr 48816

+1 CC to Ms. K. Rajasrinivas, Advocate sr 48229.

सत्यमेव जयते

W.P.Nos.22178 and 22179 of 2003

SAI (CO)  
SP(07/08/2017)

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