

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2017

CORAM:

THE HON'BLE MR.JUSTICE S. VAIDYANATHAN

W.P.No.23667 of 2003
and
W.P.M.P.No.29240 of 2003

1. Kantilal

2. M. Vijayakumar,
rep by Power
of Attorney P.Muralimohan ..Petitioners

Vs.

1. State of Tamilnadu,
Rep by the Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai-600 009.

2. The Chennai Metropolitan Development Authority,
Thallamuthu Natarajan Building,
Egmore, Chennai-600 008.
Rep by its Member Secretary. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuing a Writ of Certiorarified mandamus or any other writ order or direction in the nature of Writ of Certiorarified mandamus calling for the records of the second respondent comprised in Letter No.C3/35402/2002 dated 14.07.2003 and quash the same insofar as it relates to the levy of infrastructure development charge and consequently direct the respondents to grant planning permission to the petitioners and accept the open space reservation provided for by the petitioner in accordance with the rules without insisting upon access of the said open space to the public in respect of the proposed construction consisting of Double Basement Floor plus Ground Floor plus 9 Floors (3 Blocks) office building at T.S.No.24/1, Block No.8, Door No.184 and 185, Little Mount, Anna Salai, Chennai.

For Petitioners : Mr. Rahul Balaji

For Respondents: Mr. Akhil Akbar Ali
Government Advocate for R1.
Mr. K.Raja Shrinivas for R2.

O R D E R

The petitioners have approached this Court praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent comprised in Letter No.C3/35402/2002 dated 14.07.2003 and quash the same insofar as it relates to the levy of infrastructure development charge and consequently to direct the respondents to grant planning permission to the petitioner and accept the open space reservation provided for by the petitioner in accordance with the Rules without insisting upon access of the said open space to the public in respect of the proposed construction consisting of Double Basement Floor plus Ground Floor plus 9 Floors (3 Blocks) office building at T.S.No.24/1, Block No.8, Door No.184 and 185, Little Mount, Anna Salai, Chennai.

2. It is submitted by the petitioner that OSR has been provided, based on which the planning permission was granted and building has been constructed. Mr.K.Raja Shrinivas, learned counsel for the second respondent submitted that the planning permission has been granted and OSR had been provided as per the plan submitted and infrastructure development charges had been paid. If any violation is noted, the Electricity Supply shall be disconnected forthwith by the TNEB.

3. In view of the above submission made by the learned counsel for the second respondent, no further adjudication is required in this writ petition. The writ petition is disposed of as nothing further survives for consideration. No costs. W.P.M.P. is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

bri

Copy to

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai-600 009.

2. The Chennai Metropolitan Development Authority,
Thallamuthu Natarajan Building,
Egmore, Chennai-600 008.
Rep by its Member Secretary.

3. The Chairman, Tamil Nadu Electricity Board,
144, Anna Salai, Chennai-2.

+1cc to Mr.Sathish Parasaran, Advocate sr.60760

+1cc to Mr.K.Rajashrinivas, Advocate sr.60942

+1cc to Government Pleader sr.61620

W.P.No.23667 of 2003

sk(co)
ss(20/9/2017)



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