

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Sixteenth day of February Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE K.KALYANASUNDARAM

WMP No.4144 of 2018

in WMP.No.1772 of 2018 in WP.No.1400 of 2018

M/S.POOJAA FOUNDATION PVT LTD [PETITIONER]
REP BY ITS MANAGING DIRECTOR B.BUDHMAL BOHRA,
NO.921, EVR PERIYAR 1ST LANE, POONAMALLEE
HIGH ROAD, CHENNAI-84

Vs

1 THE GOVERNMENT OF TAMIL NADU [RESPONDENTS]
REP BY SECRETARY TO GOVERNMENT,
HOUSING AND URBAN DEVELOPMENT DEPARTMENT,
FORT ST. GEORGE, CHENNAI-09

2 THE CHENNAI METROPOLITAN
DEVELOPMENT AUTHORITY, REP BY ITS MEMBER
SECRETARY, THALAMUTHU NATARAJAN BUILDING,
NO.1, GANDHI IRWIN ROAD, EGMORE, CHENNAI-08

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Modify the Order dated 23.01.2018 passed in WMP.No.1772/2018 in WP.No.1400/2018, and direct the Respondents to process the Petitioners application and issue Building Plan Approval / Planning Permission, without insisting for payment of the Shelter Fee mentioned in its letter No. C3(N)/19019/2016 dated 15.09.2017 and 26.12.2017(in WMP.No.4144/2018)

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.SURANA AND SURANA, Advocate for the petitioner and of M/S.V.SHANMUGASUNDAR, Special Government Pleader on behalf of the 1st respondents the court made the following order:-

The petitioner has filed this petition to modify the order dated 23.01.2018 passed in W.M.P.No.1772 of 2018 in W.P.No.1400 of 2018 and direct the respondents to process the petitioners application and issue building plan approval / planning permission, without insisting for payment of the shelter fee mentioned in its letter No.C3(N)/19019/2016, dated 15.09.2017 and 26.12.2017.

2. The learned counsel for the petitioner submitted that in a batch of writ petitions in similar facts, this Court has granted an interim order of stay of G.O.Ms.No.135, Housing and Urban Development (SC1-2) Department, dated 21.07.2017, with respect to paragraph 4(i) and issued directions to the authorities to consider the application of the petitioners for building plan approval, whereas in the order in WMP.No.1772 of 2018, there was no such direction, was issued by this Court. Hence, the petitioner filed this petition.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

4. It is not in dispute that in a batch of writ petitions, this Court while granting stay of the said G.O., issued direction to the respondents to process the application of the petitioners for building plan approval.

5. In the light of the above facts, the 2nd respondent shall process the application of the petitioner for building plan approval without insisting for payment of shelter fee. The petition is allowed accordingly.

-sd/-
16/02/2018

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY TO GOVERNMENT,
THE GOVERNMENT OF TAMIL NADU, HOUSING AND
URBAN DEVELOPMENT DEPARTMENT, FORT ST. GEORGE, CHENNAI-09

2 THE MEMBER SECRETARY,
THE CHENNAI METROPOLITAN DEVELOPMENT
AUTHORITY, THALAMUTHU NATARAJAN BUILDING,
NO.1, GANDHI IRWIN ROAD, EGMORE, CHENNAI-08

C.C. to M/S.SURANA AND SURANA Advocate on payment of necessary
charges
The Government Advocate, High Court, Madras - 104.

Order
in
WMP.4144/2018
in
in WMP.No.1772 of 2018 in WP.1400/2018
Date :16/02/2018

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