

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. Nos.12774 to 12776 of 2009

1.S.Sankar
2.S.Swathi
3.S.Preethi

... Petitioners in all WPs.

-vs-

1. The State of Tamil Nadu,
Rep. by the Secretary to Govt.,
Housing and Urban Development Dept.,
Secretariat, Fort St. George,
Chennai 600 009.
 2. The Chennai Metropolitan Development
Authority, Rep. by its Member Secretary,
Thalamuthu Natarajan Maaligai,
No.8, Gandhi Irwin Road, Egmore,
Chennai 600 008.
 3. The Director of Town & Country Planning,
807, Anna Salai, Chennai 600 002.
 4. The Chennai Metropolitan Water Supply and
Sewerage Board, Rep. by its Managing
Director, No.1, Pumping Station Road,
Chennai 600 002.
- .. Respondents in all WPs.

Petition filed under Article 226 of the Constitution of India praying for issue of (i) WP.12774/2009 - Writ of Declaration to declare 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 ultravires, illegal, unconstitutional and unenforceable in so far as it relates to levy and collection of Security Deposit of proposed Development and Open Space Reservation Charges in respect of the petitioners' proposed construction of residential building

consisting of Basement + Car park + 3 Floors T.S.No.108/79, Block No.1, Kalaimagal Nagar First Main Road, Ekkattuthangal, T.Nagar, Chennai; (ii) WP.12775/2009 - Writ of Declaration to declare 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, 2007 are unconstitutional, arbitrary and illegal; and (iii) WP.12776/2009 - Writ of Certiorarified Mandamus to call for the records of the second respondent comprised in his letter bearing No.PC1/17276/2008 dated 17.6.2009 (signed on 19.6.2009) and quash the same as arbitrary, illegal and unconstitutional and consequently in so far as it relates to the demand for payment of Open Space Reservation Charges, Security Deposit for proposed development and Infrastructure and Basic Amenities Fee as also towards Infrastructure Facilities Development Charges payable to the fourth respondent board and consequently issue a Mandamus directing the second respondent to consider the petitioners' planning permission application in APU No.BC/2008/ 001556 dated 25.9.2008 for the proposed construction of residential building consisting of Basement + Car Park + 3 Floors T.S.No.108/79, Block No.1, Kalaimagal Nagar First Main Road, Ekkattuthangal, T.Nagar, Chennai, without insisting on payment of any amount towards Open Space Reservation Charges, Security Deposit for proposed development and Infrastructure and Basic Amenities Fee as also any amount towards Infrastructure Facilities Development Charges payable to the fourth respondent board.

For Petitioners
in all WPs.

: M/s.Tanushree Arvind
for Mr.R.Parthasarathy

For Respondents
in all WPs.

: Mr.S.N.Parthasarathy
Govt. Advocate, for RR 1 and 3

: Mr.Karthik Rajan
Stdg. Counsel for R-2

: Mr.Janakiraman for R-4

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O R D E R

Learned counsel for the petitioners seeks leave to withdraw this writ petition. She has also made an endorsement to the said effect.

In view of the above, this writ petition is dismissed as withdrawn. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Secretary to Govt. of Tamil Nadu,
Housing and Urban Development Dept.,
Secretariat, Fort St. George, Chennai 600 009.
2. The Member Secretary,
Chennai Metropolitan Development
Authority, Thalamuthu Natarajan Maaligai,
No.8, Gandhi Irwin Road, Egmore, Chennai 600 008.
3. The Director of Town & Country Planning,
807, Anna Salai, Chennai 600 002.
4. The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board, No.1, Pumping Station Road,
Chennai 600 002.

W.P.No.12774 to 12776 of 2019

RVS (CO)
SSM(26/07/2019)

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