

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 3.1.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
W.P.No.2971 & 2972 of 2011 and
M.P.No.1 to 3 of 2011 in W.P.No.2972/2011
and M.P.No.1 of 2011 in W.P.No.2971/2011

Indo International Limited
Rep. by its Manager,
New No.4 (Old No.16), I Floor,
Sunkaurama street,
Broadway, Chennai 600 001.

...Petitioner in both W.Ps.

Vs.

1. State of Tamil Nadu
Rep. by the Secretary to Government,
Housing and Urban Development Dept.,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Chennai Metropolitan Development
Authority Rep. by its Member Secretary,
No.8, Gandhi Irwin Salai,
Egmore, Chennai 600 008
3. The Chennai Metropolitan Water Supply
and Sewerage Board
Rep. by its Managing Director,
No.1, Pumping Station Road,
Chennai 600 002.

... Respondents in both W.Ps.

Prayer in W.P.No.2971 of 2011:

Writ petition filed under Article 226 of the Constitution of India, praying for the 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 ultravires, illegal, unconstitutional and unenforceable in so far as it relates to levy and collection of Security deposit for proposed Development.

Prayer in W.P.No.2972 of 2011:

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent comprised in its letter No.C3/13757/2009 dated 10.1.2011 and

quash the same as arbitrary, illegal and unconstitutional and consequently issue a Mandamus, directing the second respondent to issue planning permission to the petitioner for proposed construction of basement plus Ground/stilt Floor (Part), Block 1 - 1st to 9th floors, residential block 2 - 1st to 9th floors with 72 dwelling units in S.No.286/3A bearing plot No.4/262, Rajiv Gandhi Road, OMR, Kandanchavadi, Kottivakkam Village, Chennai, without insisting on payment of any amount towards security deposit for proposed development.

For Petitioners in both WPs. :Mr.M.Sathish Parasaran
For Respondent No.1 in
both WPs. : Mr.R.Neelakandan, G.A.
For Respondent No.2 &3 in: Mr.S.Thiruvengadam
both W.Ps.

COMMON ORDER

The learned counsel appearing for the petitioner company in both the writ petitions seeks to withdraw the writ petitions and he also made an endorsement in the writ petitions to that effect.

Recording the endorsement made in the writ petitions, the writ petitions are dismissed as withdrawn. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu, Housing and Urban Development Dept.,
Secretariat, Fort St. George, Chennai 600 009.
2. The Member Secretary,
The Chennai Metropolitan Development Authority,
No.8, Gandhi Irwin Salai, Egmore, Chennai 600 008
3. The Managing Director,
The Chennai Metropolitan Water Supply and Sewerage Board
No.1, Pumping Station Road, Chennai 600 002.

+1cc to Mr.S.Thiruvengadam, Advocate, S.R.No.751

+1cc to Mr.A.Arumugam, Advocate, S.R.No.299

+1cc to the Government Pleader, S.R.No.992

W.P.No.2971 and 2972 of 2011
M.P.No.1 to 3 of 2011 in W.P.No.2972/2011
and M.P.No.1 of 2011 in W.P.No.2971/2011

SS (CO)
GSP (08/02/2019)



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