

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.4195 of 2019
and W.M.P.Nos.4712 and 4714 of 2019

K.R.Arumugam,
Chairman,
K.K.College of Pharmacy,
No.1/161, Shankaralinganar Road,
Gerugambakkam,
Chennai-600 128. ... Petitioner

Vs

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Housing & Urban Development Department,
Fort St. George, Chennai-9.

2.Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
Gandhi Irwin Road,
Egmore, Chennai-8. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of the 2nd respondent culminating in its Letter No.C4/17546/2018 dated 14.12.2018 and quash the same in so far as it relates to shelter fee and direct the 2nd respondent herein to grant building plan approval to the petitioner for construction of the existing ground floor + first floor (part) in S.Nos.217/1 & 217/2, Gerugambakkam Village, Chennai-128 for expanding infrastructure of K.K. College of Pharmacy without insisting for payment of shelter fee.

For Petitioner : Mr.A.Muthukumar

For 1st Respondent: Mr.B.Anand, GA

For 2nd Respondent : Mr.P.S.Ganesh

O R D E R

The Writ Petition has been filed challenging the proceedings of the 2nd respondent in Letter No.C4/17546/2018 dated 14.12.2018 demanding the petitioner to pay shelter fees.

2.The learned counsel for the petitioner would submit that the petitioner has challenged the impugned proceedings of the 2nd respondent dated 14.12.2018, demanding the petitioner to pay the shelter fees to the CMDA. The learned counsel for the petitioner strongly relied on the order dated 11.06.2018 passed by this Court in W.P.No.14027 of 2018 by granting stay of the collection of shelter fee, while dealing with a similar issue and sought to grant the same relief.

3.The learned Standing Counsel appearing for the respondents brought to the notice of this Court the amendment made to the Tamil Nadu Town and Country Planning Act, 1971 by Act No.14 of 2018, by insertion of new Sections 63-D and 63-E and the validation has been inserted in Section 64-4 giving retrospective effect for collection of shelter fees and therefore, the ground raised in this writ petition cannot be entertained.

4.In the light of the amendment to the Act No.14 of 2018 and the same is notified in Tamil Nadu Government Gazette No.46 dated 31.01.2018, the contention raised by the learned counsel for the petitioner is unsustainable. Therefore, the relief sought by the petitioner cannot be granted and this writ petition is dismissed. However, learned counsel for the petitioner seeks liberty to challenge the said Act No.14 of 2018. Accepting the submission, liberty is granted to the petitioner to workout his remedy in the manner known to law. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

gya

To

1.The Secretary to Government of Tamil Nadu,
Housing & Urban Development Department,
Fort St. George, Chennai-9.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai-8.

+1cc to Mr.A.Muthukumar, Advocate SR.No.15466

+1cc to Government Pleader SR.No.16026

W.P.No.4195 of 2019

SV(CO)
GMY(10/04/2019)



WEB COPY