

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.09.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.27417 of 2019
and
W.M.P.No.26872 of 2019

1.E.Guna Balachandar

2.R.Kalapana

3.E.Prathap Raj

4.K.Dhanasekar

5.S.Elumalai

6.N.Venkatesan,
S/o Nithanantham,
No.15/23, Anna Street,
Kallikuppam, Ambattur,
Chennai 600 053

rep.by Power agent
M/s S.P.Homes Private Limited,
Rep.by its Managing Director,
K.Damodaran,
Old No.3, New No.5, 8th Cross Street,
Shenoy Nagar,
Chennai 600 030.

.. Petitioners

/versus/

1.The Government of Tamil Nadu,
Rep.by its Secretary,
The Housing and Urban Development Department,
Secretariat, Chennai 600 009.

2.The Member Secretary,
CMDA, Egmore,
Chennai 600 008.

.. Respondents

Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondent to consider the petitioner representation dated 11.07.2019 to refund the charges paid a sum of Rs.31,40,000/-

towards infrastructure and amenities charges within the time frame to be fixed by this Court.

For Petitioner :Mr.G.Vijayakumar

For Respondents:Mr.N.Inbanathan, AGP for R1
Mr.S.Thiruvengadam,st.c for R2

O R D E R

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.Heard Mr.G.Vijayakumar, learned counsel appearing for the petitioners and Mr.N.Inbanathan, learned Additional Government Pleader, who takes notice on behalf of the first respondent and Mr.S.Thiruvengadam, learned standing counsel, who takes notice on behalf of the second respondent.

3.The prayer in the writ petition is to issue a Writ of Mandamus directing the respondents to consider the petitioner representation dated 11.07.2019 to refund the charges paid a sum of Rs.31,40,000/- towards infrastructure and amenities charges within the time frame to be fixed by this Court.

4.The plea of the petitioners is that the security deposit along with the infrastructure and amenities charges paid to the second respondent, in view of the application sought for ***multi-storey Building**, is sought to be refunded, in view of the decision taken by the petitioners that they **have** dropped the idea of **construction of multi storey building and had made application for layout approval.**

5. The learned standing counsel appearing for the second respondent would submit that the security deposit made by the petitioners has already been refunded. As far as the infrastructure and amenities charges paid by the petitioners are liable to be refunded since the layout approved has not been cancelled by the authorities but it is the decision of the petitioners to drop the idea. The petitioners have given a representation on 11.07.2019 seeking refund of infrastructure and amenities charges paid by them.

6. It appears that so far no order has been passed by the second respondent. Therefore, this Writ Petition is disposed of with a direction to the second respondent to

consider the representation of the petitioners dated 11.07.2019 and pass orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS V)
Dated: 23.10.2019

* Corrected as per order
dated 23.12.2020 in
W.M.P. No. 6159/2020 in W.P.No. 27417/2019.
sd/- Assistant Registrar(CCC)
Dated: 30.12.2020.

True Copy

Sub-Assistant Registrar

ari

To:

1.The Secretary,
Government of Tamil Nadu,
The Housing and Urban Development
Department,
Secretariat, Chennai 600 009.

To be substituted to the
order already despatched
on 02.12.2019.

2.The Member Secretary,
CMDA, Egmore,
Chennai 600 008.

+1 CC to Mr.S.Thiruvengadam, Advocate sr 79472.
+1 CC to Govt. Pleader sr 79681.
+1 Cc to Mr.G.Vijayakumar, Advocate sr 80505.

सत्यमेव जयते

Writ Petition No.27417 of 2019

VGI (CO)
SP(25/10/2019)
SP(04/01/2021)

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