

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. Nos.33744 and 33748 of 2018
and W.M.P.Nos.39171 and 39173 of 2018

K.P.Subramanian .. Petitioner in both WPs.

-vs-

1. The State of Tamil Nadu,
Rep. by the Principal Secretary
to Govt., The Housing and Urban
Development (UD1) Dept.,
Fort St.George, Chennai 600009. ... 1st Respt.in WP.33744 of
2018 and sole respondent
in WP.33748/2018
2. Chennai Metropolitan Development
Authority, Rep. by its
Member Secretary,
Chennai 600 008. ... 2nd Respondent in WP.
33744 of 2018.

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari (i) WP.33744/2018 - to call for the records of the 1st respondent contained in its G.O.Ms.No.147 dated 26.10.2018 and G.O.Ms.No.152 dated 1.11.2018 being government orders modifying the Second Master Plan for Chennai Metropolitan Area and to quash the same as arbitrary, illegal and unconstitutional; and (ii) WP.33748/2018 - to call for the records of the 1st respondent contained in its G.O.Ms.No.148 dated 26.10.2018 being a G.O. modifying Development Control Regulations (DCR) for Coimbatore, Madurai, Tiruchirapalli, Salem, Tirunelveli, Vellore, Tiruppur, Erode, Thoothukudi, Mamallapuram, Thiruvallur, Gummidipoondi, Kancheepuram and Chengalpattu areas and to quash the same as arbitrary, illegal and unconstitutional.

For Petitioner : Mr.Suhrith Parthasarathy
For Respondent : Mr.V.Jayaprakash Narayanan
Govt. Pleader (i/c.) for R-1 in
WP.33744/2018 and for sole
respondent in WP.33748/2018
: Mr.Karthik Rajan for R-2 in
WP.33744/2018.
* * * * *
O R D E R

(Order of the Court was made by M.DURAI SWAMY, J.)

The learned counsel appearing for the petitioner submitted that the reliefs sought for in these writ petitions have become infructuous. However, the learned counsel sought liberty to challenge the fixation of new Floor Space Index (FSI). The learned counsel has also made an endorsement to that effect.

2. In view of the same, the writ petitions are dismissed as infructuous and it is open to the petitioner to challenge the fixation of new FSI in accordance with law. No costs. Consequently, W.M.P.Nos.39171 and 39173 of 2018 are also dismissed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

sra Sub Assistant Registrar

To

1. The Principal Secretary to Govt. of Tamil Nadu,
Housing and Urban Development (UD1) Dept.,
Fort St. George, Chennai 600 009.

2. The Member Secretary,
Chennai Metropolitan Development
Authority, Chennai 600 008.

+1 cc to Mr.Karthik Rajan, Advocate, S.R.No.16294

+1 cc to the Government Pleader, S.R.No.15757

W.P.Nos.33744 and 33748 of 2018

MG (CO)
SSM(08/03/2019) .