



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **25.10.2019**
CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

W.P. (MD)No.11142 and 8511 of 2009
and
M.P. (MD)No.2,3 of 2009

S.Krishna Kumar,
The Secretary,
N.V.K.S.D.College of Education,
Attoor & Post - 629191,
Kanyakumari District.

... Petitioner in both Wps

/Vs./

1. The State of Tamilnadu,
Represented by its Secretary,
Department of Housing and Urban Development,
Fort St.George, Chennai - 600 009.

2. The Director of Town Planning,
807, Anna Salai,
Chennai - 600002.

3. The Joint Director of Town Planning,
108, Trivandrum,
Tirunelveli, Tirunelveli District.

... Respondent in both Wps

PRAYER in W.P. (MD)No.11142 of 2009:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the 1st respondent's impugned G.O.Ms.No.161 (Housing and Urban Development UD 4(1) Department) dated 09-09-2009, QUASH THE SAME as null and void.

PRAYER in W.P. (MD)No.8511 of 2009:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of DECLARATION or any other appropriate Writ, Order or Direction in the nature of a Writ, declaring the impugned Tamil Nadu Town and Country Planning (second amendment) Act 34 of 2007 and Tamil Nadu Town and Country Planning (Levy of Infrastructure and Amenities Charges Rules 2008 enacted by the 1st respondent Government and the consequential proceedings issued by the 3rd respondent Joint Director of Town Planning in Na.Ka.No.2088/2008 dated 05.06.2009 demanding a sum of Rs.4,95,750/- towards infrastructure and amenities charges as ultravires, illegal and unconstitutional.



For Petitioners

: Mr.P.Muthuvel

for M/S.Issac Chambers

For Respondents

: Mr.Aayiram K.Selvakumar

(in both Wps)

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COMMON ORDER

Mr.P.Muthuvel, learned counsel representing Mr.S.Xavier Rajini, learned counsel on record for writ petitioner in both these writ petitions and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader on behalf of all the three respondents (official respondents) in both these writ petitions are before this Court.

2. It is submitted by learned counsel on both sides without any disputation or disagreement that this matter is directly and squarely covered by a detailed judgment dated 30.06.2011 (in a batch of writ petitions) reported in **2011 (4) CTC 240**. There is also no disputation that all the writ petitions were dismissed and the concluding paragraph in the aforesaid reported judgment namely paragraph No.128 reads as follows:

'128.In the light of the above, all these batch of Writ Petitions will stand dismissed. Consequently, connected Miscellaneous Petitions stand closed. No costs.'

3. In the light of the aforesaid undisputed position, instant writ petitions also will stand governed by the judgment reported in **2011 (4) CTC 240** and will therefore stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Secretary,
Department of Housing and Urban Development,
Fort St.George, Chennai - 600 009.

2. The Director of Town Planning,
807, Anna Salai,
Chennai - 600002.



3. The Joint Director of Town Planning,
108, Trivandrrum,
Tirunelveli, Tirunelveli District.

+1 CC to SPL GP (SR-94870[F] dated 30/10/2019)

Common Order made in
W.P. (MD) No. 11142 and 8511 of 2009
Dated: 25.10.2019

sm

MK (12.11.2019) 3P 5C