

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Eleventh day of September Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.M.SUNDRESH

AND

The Hon`ble Mrs Justice R.HEMALATHA

WMP No.15729 of 2020

in WP.NO.12734 OF 2020

RAJAH VENKATARAMAN

[PETITIONER]

Vs

1 THE GOVERNMENT OF TAMILNADU
REP.BY SECRETARY TO GOVERNMENT
HOUSING AND URBAN DEVELOPMENT DEPARTMENT,
FORT ST. GEORGE SECRETARIAT,
CHENNAI 600 009

[RESPONDENTS]

2 THE GOVERNMENT OF TAMIL NADU
REP.BY SECRETARY TO GOVERNMENT,
MUNICIPAL ADMINISTRATION AND WATER SUPPLY DEPARTMENT,
FORT ST.GEORGE SECRETARIAT,
CHENNAI 600 009

3 THE CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY,
REP.BY ITS MEMBER SECRETARY,
THALAMUTHU NATARAJAN BUILDING
NO.1, GANDHI IRWIN SALAI,
EGMORE, CHENNAI 600 008

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant ad-interim injunction restraining theri men / agent or any one claiming under them from any manner making any demand for shelter fee

/ shelter charge / shelter fund pursuant to order of the 3rd respondent in letter No.B1 / 18782 / 2016 dated 20.12.2017 as a condition for grant of planning permit for the proposed construction (in WMP.No.15729/2020) pending disposal of the writ petition 12734/2020.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of V.SUTHAKAR, Advocate for the petitioner and of MR.G.RAJESH Government Advocate for 1st respondent and MR.KARTHIK RAJAN Advocate for 3rd respondent the court made the following order:-

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

What has been challenged by the petitioner is the validity of Section 63 D and E of the Tamil Nadu Town and Country Planning Act coupled with the Rules framed thereunder.

2.Learned counsel appearing for the petitioner placing reliance upon the order passed in a batch of writ petitions in W.P.No. 13545 of 2019 etc batch dated 30.04.2019 submitted that the petitioner will have to be given the same benefit.

3.Learned counsel appearing for the third respondent also submitted that it is fact that similar writ petitions have been entertained and interim orders have been granted as submitted by the learned counsel appearing for the petitioner. In the aforesaid case, the following order was passed:

25. In the light of the decisions and discussion, there cannot be a blanket stay of the provisions. Taking notice of the object of the Act, we grant interim injunction, restraining the respondents herein, their men and against or anyone, claiming under them, making any demand for shelter charges/shelter fund, pursuant to the proceedings of the 6th respondent, herein, in Na.Ka.955/2017/MLPA, dated 25/09/2018, as a condition for grant of approval for development of the property, stated in the respective petitions.

(1) petitioners should pay 50% of the demand raised in the notices issued by the Chennai Metropolitan Development Authority or the concerned Development Authority, as indicated in the statute.

(2) for the balance of 50% of the demand, petitioners are directed to offer bank guarantee in the name of Chennai Metropolitan Development Authority or the concerned Planning Authority, depending upon the area.

(3) The above exercise is directed to be done within three weeks from the date of receipt of a copy of this common order.

26. On payment of 50% of shelter charges and submission of the bank guarantees, as stated supra within the period provided therefor, to the Chennai Metropolitan Development Authority or the concerned Development Authority in other areas, the said authorities shall process the planning permission applications submitted by the writ petitioners.

4. Accordingly, there shall be an order of interim injunction on the above said terms. The miscellaneous petition is disposed of accordingly.

-sd/-
11/09/2020
/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 SECRETARY TO GOVERNMENT
THE GOVERNMENT OF TAMILNADU
HOUSING AND URBAN DEVELOPMENT DEPARTMENT,
FORT ST. GEORGE SECRETARIAT,
CHENNAI 600 009

2 SECRETARY TO GOVERNMENT,
THE GOVERNMENT OF TAMIL NADU MUNICIPAL
ADMINISTRATION AND WATER SUPPLY DEPARTMENT,
FORT ST. GEORGE SECRETARIAT,
CHENNAI 600 009

3 THE MEMBER SECRETARY,
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY,
THALAMUTHU NATARAJAN BUILDING NO. 1, GANDHI
IRWIN SALAI, EGMORE,
CHENNAI 600 008

C.C. to V.SUTHAKAR Advocate on payment of necessary charges

The Government Advocate, High Court, Madras - 104.

Order

in
WMP.15729/2020

in WP.NO.12734/2020

Date :11/09/2020

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SDR 16/09/2020