



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NOS.21785 OF 2004, 10553 OF 2008, 5545 OF 2007,  
31751 OF 2004, 32750 OF 2004 AND 25066 OF 2005  
AND

W.P.M.P.NOS.26329 AND 26330 OF 2004,  
38472 AND 38473 OF 2004, 39647 AND 39648 OF 2004,  
M.P.NO.2 OF 2007 AND M.P.NO.1 OF 2008

S.Sriram

... Petitioner in  
W.P.No.21785 of 2004

Rashtriya Ispat Nigam Ltd.,  
Visakhapatnam Steel Plant,  
Rep. By its Senior Branch Manager,  
No.184, Anna Salai, 2<sup>nd</sup> Floor,  
India Garage Building,  
Chennai - 6.

... Petitioner in  
W.P.No.10553 Of 2008

Shri Kutch Kadava Patidar  
Samaj Tambaram (Regd No.526/1994),  
Rep. Herein by its  
General Power of Attorney,  
M/s.Ruby Manoharan Property Developers  
Pvt. Ltd., by its Director,  
Mrs.K.Rubu Manoharan,  
No.240, Velachery Main Road,  
Selaiyur, Chennai - 600 073.

... Petitioner in  
W.P.No.5545 Of 2007

A.Abdul Kalam Azad  
Rep. By Power of Attorney Agent,  
Mr.N.Sriram,  
1, Jawaharlal Nehru Road,  
Chennai - 17.

... Petitioner on  
W.P.No.31751 Of 2004

A.S.L.Rajan

... Petitioner in  
W.P.No.32750 Of 2004



M/s.Chitra Constructions Pvt. Ltd.,  
Rep. By its Managing Director,  
RMR.G.Govindarajan,  
9, Choolaimedu High Road,  
Chennai - 92.

... Petitioner in  
W.P.No.25066 Of 2005

.Vs.

The State of Tamil Nadu,  
Rep. by its Secretary,  
The Government of Tamil Nadu  
Land Administrative,  
Fort St. George,  
Chennai - 600 009.

... 1<sup>st</sup> Respondent in  
W.P.No.21785 of 2004

The Commissioner,  
Pallavaram Municipality,  
Chennai.

... 2<sup>nd</sup> Respondent in W.P.No.21785  
of 2004 & 3<sup>rd</sup> Respondent in  
W.P.No.25066 of 2005

The State of Tamil Nadu,  
Rep. By its Secretary,  
The Department of Municipal Administration  
& Water Supply Department,  
Fort St. George,  
Chennai - 600 009.

... 1<sup>st</sup> Respondent in  
W.P.No.10553 of 2008

Thiruvottiyur Municipality,  
Rep. By its Chairman,  
945, T.H. Road,  
Kaladipet, Thiruvottiyur,  
Chennai - 19.

... 2<sup>nd</sup> Respondent in  
W.P.No.10553 of 2008

The Commissioner,  
Thiruvottiyur Municipality,  
945, T.H. Road,  
Kaladipet, Thiruvotiyur,  
Chennai - 19.

... 3<sup>rd</sup> Respondent in  
W.P.No.10553 of 2008



The Executive Authority,  
Thiruvottiyur Municipality,  
945, T.H. Road,  
Kaladipet, Thiruvottiyur,  
Chennai - 19.

... 4<sup>th</sup> Respondent in  
W.P.No.10553 of 2008

The Commissioner,  
Tambaram Municipality,  
Tambaram,  
Chennai - 600 045.

... 1<sup>st</sup> Respondent in  
W.P.No.5545 of 2007

The State Of Tamil Nadu,  
Rep. By its Secretary to Government,  
Municipal Administration Department  
Secretariat, Fort St. George,  
Chennai - 600 009.

... 2<sup>nd</sup> Respondents in W.P.No.5545  
of 2007 and W.P.Nos.31751 &  
32750 of 2004 and 1<sup>st</sup> Respondent  
in W.P.No.25066 of 2005

The Commissioner,  
Alandur Municipality,  
Alandur, Chennai.

... 1<sup>st</sup> Respondent in W.P.Nos.31751  
& 32750 of 2004

The Director of Municipal Administration,  
Chepauk, Chennai - 005.

... 3<sup>rd</sup> Respondent in W.P.Nos.31751  
& 32750 of 2004

... 2<sup>nd</sup> Respondent in  
W.P.No.25066 of 2005

PRAYER IN W.P.NO.21785 OF 2004:-

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Declaration, declaring that the levy/demand and collection of vacant site tax as condition precedent for the grant of planning permission/building license as illegal, ultra vires the provision of the District Municipality Act, and unconstitutional and consequentially, direct the respondents to process the



application and grant planning permission/building license without insisting upon the payment of vacant site tax.

PRAYER IN W.P.NO.10553 OF 2008:-

Writ Petition filed under Article 226 of the Constitution of India to grant a Writ, order or direction more particularly in the name of the declaration holding that the levy of vacant site tax is ultra vires the powers of the 2<sup>nd</sup> Respondent herein and unconstitutional.

PRAYER IN W.P.NO.5545 OF 2007:-

Writ Petition filed under Article 226 of the Constitution of India to issue any appropriate Writ or direction in the nature of a Writ of Declaration, declaring that the levy, demand and collection of vacant site tax by the respondent to the grant of planning permission, /building permit is illegal, invalid, unconstitutional and ultra vires of the provisions of the Tamil Nadu District Municipalities Act.

PRAYER IN W.P.NO.31751 OF 2004:-

Writ Petition filed under Article 226 of the Constitution of India to issue any appropriate Writ or direction in the nature of a Writ of Declaration, declaring that the levy demand and collection of Vacant site tax as condition precedent for grant of Planning Permission/Building permit as illegal, ultra vires the provision of the District Municipalities Act and unconstitutional and consequently direct the respondents to process the application and grant planning permission/Building permit without insisting upon the payment of Vacant site Tax as contained in the Letter dated 09/09/2004 in Lr.Na.Ka.No.13390/04/F-1 of the 1<sup>st</sup> Respondent.

PRAYER IN W.P.NO.32750 OF 2004:-

Writ Petition filed under Article 226 of the Constitution of India to issue any appropriate Writ or direction in the nature of a Writ of Declaration, declaring that the levy demand and collection of Vacant site tax as condition precedent for grant of Planning Permission/Building permit as illegal, ultra vires the provision of the District Municipalities Act and unconstitutional and consequently direct the respondents to process the application and grant planning permission/Building permit in respect of the development of Plot Nos.14, 15 & 17,

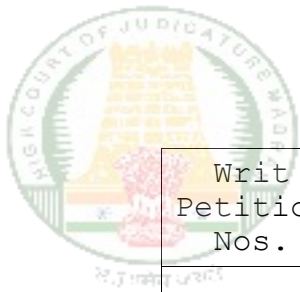


Thillai Ganga Nagar, 23<sup>rd</sup> Street, S.No.71/1, T.S.No.184, Ward No.E, Block No.9 of Adambakkam Village, without insisting upon the payment of Vacant site Tax as contained in the Letter dated 05/05/2004 in Letter Na.Ka.No.7-73/2004/F-1 of the 1<sup>st</sup> Respondent.

PRAYER IN W.P.NO.25066 OF 2005:-

Writ Petition filed under Article 226 of the Constitution of India to issue any appropriate Writ or Direction in the nature of a Writ of Declaration, declaring that the levy, demand and collection of Vacant Site Tax as a condition precedent for grant of planning permission/building permit as illegal, ultra vires to the provisions of the District Municipalities Act and unconstitutional and consequently direct the respondents to process the application of the petitioner and grant planning/building permit without insisting upon the payment of Vacant Site Tax.

| Writ<br>Petition<br>Nos. | For<br>Petitioner                                   | For R1                                                     | For R2                                                     | For R3                                                     | For R4            |
|--------------------------|-----------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------|-------------------|
| 21785 of<br>2004         | Mr.G.<br>Thyagarajan                                | Mr.TNC.<br>Kaushik,<br>Additional<br>Government<br>Pleader | Mr.P.<br>Srinivas                                          | --                                                         | --                |
| 31751 of<br>2004         | Mr.Prahlad<br>Bhat<br>for<br>Mr.Satish<br>Parasaran | Mr.P.<br>Srinivas                                          | Mr.TNC.<br>Kaushik,<br>Additional<br>Government<br>Pleader | Mr.TNC.<br>Kaushik,<br>Additional<br>Government<br>Pleader | --                |
| 25066 of<br>2005         | Mr.S.<br>Kamadevan                                  | Mr.TNC.Kaus<br>hik,<br>Additional<br>Government<br>Pleader | Mr.TNC.<br>Kaushik,<br>Additional<br>Government<br>Pleader | Mr.P.<br>Srinivas                                          | --                |
| 5545 of<br>2007          | No<br>Appearance                                    | Mr.P.<br>Srinivas                                          | Mr.TNC.<br>Kaushik,<br>Additional<br>Government<br>Pleader | --                                                         | --                |
| 10553 of<br>2008         | Mr.Mukund<br>for<br>Sarvabhauman<br>Associates      | Mr.TNC.<br>Kaushik,<br>Additional<br>Government<br>Pleader | Mr.P.<br>Srinivas                                          | Mr.P.<br>Srinivas                                          | Mr.P.<br>Srinivas |



| Writ<br>Petition<br>Nos. | For<br>Petitioner | For R1            | For R2                                                     | For R3                                                     | For R4 |
|--------------------------|-------------------|-------------------|------------------------------------------------------------|------------------------------------------------------------|--------|
| 32750 of<br>2004         | Mr.Rahul<br>Bhat  | Mr.P.<br>Srinivas | Mr.TNC.<br>Kaushik,<br>Additional<br>Government<br>Pleader | Mr.TNC.<br>Kaushik,<br>Additional<br>Government<br>Pleader | --     |

#### C O M M O N     O R D E R

In this batch of Writ Petitions, the petitioners seek a direction forbearing the contesting respondent, i.e., the Commissioner, Alandur Municipality (W.P.No.21785 of 2004), the Commissioner, Pallavaram Municipality (W.P.No.25066 of 2005), the Commissioner, Thiruvottiyur Municipality (W.P.No.10553 of 2008), the Commissioner, Alandur Municipality (W.P.Nos.31751 & 32750 of 2004), the Commissioner, Tambaram Municipality (W.P.No.5545 of 2007) from levying, demanding or collecting vacant site tax from them as a pre-condition for grant of building permission/planning permission in respect of their properties.

2. The relief sought for by the petitioners has itself been effectively granted by this Court even at the interim stage, since interim injunction sought for by the petitioners, which was similar to the final prayer, has been allowed on 29.07.2004 (W.P.No.21785 of 2004), 16.02.2007 (W.P.No.5545 of 2007) 10.11.2004 (W.P.No.32750 of 2004) 03.11.2004 (W.P.No.31751 of 2004) 25.04.2008 (W.P.No.10553 of 2008) 05.08.2005 (W.P.No.25066 of 2005).

3. Pending Writ Petitions, all petitioners would confirm the position that they have received the sanction/planning permission in respect of the sites developed by them as below:

| W.P.Nos.         | Area             | Location                                                                                    |
|------------------|------------------|---------------------------------------------------------------------------------------------|
| 21785 of<br>2004 | 2030 sft         | Plot No.26A-2, 12 <sup>th</sup> Cross Street,<br>New Colony, Chrompet, Chennai-600<br>044   |
| 5545 of<br>2007  | Ac.0.81<br>cents | Old Survey Nos.9A/1A2<br>New Survey Nos.9A/1A2A1, 9A/1A2A2<br>& 9A/1A2A3                    |
| 31751 of<br>2004 | Not<br>mentioned | Old Survey No.14/1-A Part in Plot<br>No.28, Hindu Colony, Nanganallur,<br>Chennai - 600 061 |



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| W.P.Nos.      | Area                           | Location                                                                                                        |
|---------------|--------------------------------|-----------------------------------------------------------------------------------------------------------------|
| 25066 of 2005 | Ac.19.28 cents & Ac.2.87 cents | S.Nos.328/1, 328/2 and 328(B) at Zamin Pallavaram, Pallavaram Municipality, Chennai                             |
| 32750 of 2004 | Not mentioned                  | Plot Nos.14, 15 & 17, 23 <sup>rd</sup> Street, Thillai Ganga Nagar, Ward No.E, Block No.9 of Adambakkam Village |
| 10553 of 2008 | Not mentioned                  | Not mentioned                                                                                                   |

4. Even though the purpose of the Writ Petitions has been achieved by the petitioners as early as on 29.07.2004 (W.P.No.21785 of 2004), 16.02.2007 (W.P.No.5545 of 2007) 10.11.2004 (W.P.No.32750 of 2004) 03.11.2004 (W.P.No.31751 of 2004) 25.04.2008 (W.P.No.10553 of 2008) 05.08.2005 (W.P.No.25066 of 2005), the same have kept pending inordinately.

5. Be that as it may, Mr.Srinivas, learned Standing Counsel and Mr.Kaushik, learned Additional Government Pleader would confirm the position that they have not proceeded with the levy/collection of vacant land tax in light of the interim injunction granted by this Court.

6. Recording the aforesaid submission, these Writ Petitions are closed. No costs. Connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

S1

To

1. The Secretary,  
The State of Tamil Nadu,  
Government of Tamil Nadu Land Administration,  
Fort St. George,  
Chennai - 600 009.
2. The Commissioner,  
Pallavaram Municipality,  
Chennai.



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3. The Secretary,  
The Department of Municipal Administration  
& Water Supply Department,  
Fort St. George,  
Chennai - 600 009.
4. The Chairman,  
Thiruvottiyur Municipality,  
Kaladipet, Thiruvottiyur,  
Chennai - 19.
5. The Commissioner,  
Thiruvottiyur Municipality,  
945, T.H. Road,  
Kaladipet, Thiruvottiyur,  
Chennai - 19.
6. The Executive Authority,  
Thiruvottiyur Municipality,  
945, T.H. Road,  
Kaladipet, Thiruvottiyur,  
Chennai - 19.
7. The Commissioner,  
Tambaram Municipality,  
Tambaram, Chennai - 600 045.
8. The Commissioner,  
Alandur Municipality,  
Alandur, Chennai.
9. The Director of Municipal Administration,  
Chepauk, Chennai - 05.
10. The Secretary,  
Municipal Administrative Department,  
Secretariat, Chennai - 09.

+1cc to Mr.Anirudh Krishnan, Advocate, S.R.No.15794

W.P.NOS.21785 OF 2004, 10553 OF 2008,  
5545 OF 2007, 31751 OF 2004,  
32750 OF 2004 AND 25066 OF 2005  
AND  
W.P.M.P.NOS.26329 AND 26330 OF 2004, 38472  
AND 38473 OF 2004, 39647 AND 39648 OF 2004,  
M.P.NO.2 OF 2007 AND M.P.NO.1 OF 2008

RSI (CO)  
PBS/28/03/2022