



WEB COPY



WP.No.26127 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.26127 of 2022 & WMP.No.25201 of 2022

Anjli Infra Developers LLP,
Rep. by its Authorized Signatory Mr.Phiip Zachariah
No.6, Ground Floor, Rayala Towers, Phase II,
Anna Salai, Chennai – 600 002. ... Petitioner

Vs

1. Government of Tamil Nadu
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai – 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi – Irwin Road, Egmore, Chennai – 600 008.
3. The Tamil Nadu State Infrastructure & Amenities
Promotion Committee,
Under the Aegis of Housing & Urban Development,
Government of Tamil Nadu,
Fort St.George, Chennai – 600 009. ... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to
issue a Writ of Mandamus to direct the second respondent to consider the



WP.No.26127 of 2022

representation of the petitioner dated 29.08.2022 and consequently direct the respondents to refund of Rs.1,60,20,000/- paid towards infrastructural and Amenities Charges within a date to be stipulated by this Court.

Petitioner : Mr.Jayesh B.Dolia
for Aiyar & Dolia

Respondents : Mrs.R.Anitha
Special Government Pleader – R1, R3

Mr.C.Manoharan – R2

ORDER

This Writ Petition has been filed to direct the second respondent to consider the representation of the petitioner dated 29.08.2022 and consequently direct the respondents to refund of Rs.1,60,20,000/- paid towards infrastructural and Amenities Charges within the time to be stipulated by this Court.

2. The grievance of the petitioner is that the petitioner is entitled to refund of the Infrastructural and Amenities charges to the tune of Rs.1,60,20,000/- and the same has not been refunded to the petitioner.



WP.No.26127 of 2022

WEB COPY

Therefore, the petitioner sent a representation to the second respondent and the same has not been considered. Hence, the present Writ Petition.

3. The learned Special Government Pleader appearing for the respondents would submit the recommendation for refund of the amount has to be approved by the Committee which consists of several members and the Committee only met recently and hence, submitted that the amount shall be refunded within a period of six weeks.

4. A perusal of the proceedings of the Chennai Metropolitan Development Authority dated 31.01.2022 makes it clear that there is already a recommendation to refund a sum of Rs.1,60,20,000/- towards infrastructure and amenities charges. Despite the recommendation made on 31.01.2022, the same has not been refunded to the petitioner.

5. Considering the fact that the recommendation has been made on 31.01.2022 and till date no action has been taken, the second respondent is directed to refund the amount of Rs.1,60,20,000/- towards infrastructure and amenities charges within a period of four weeks from today. Besides the



WP.No.26127 of 2022

WEB COPY

second respondent is also directed to return the bank guarantee executed by the petitioner. Failure to refund the amount within a period of four weeks, the amount shall carry interest at the rate of 7.5% interest.

6. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

21.12.2022

vrc

To

1. The Secretary,
Government of Tamil Nadu
Housing and Urban Development Department,
Fort St. George, Chennai – 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi – Irwin Road, Egmore, Chennai – 600 008.
3. The Tamil Nadu State Infrastructure & Amenities
Promotion Committee,
Under the Aegis of Housing & Urban Development,
Government of Tamil Nadu,
Fort St.George, Chennai – 600 009.



WEB COPY



WP.No.26127 of 2022

N.SATHISH KUMAR, J.

vrc

WP.No.26127 of 2022

21.12.2022