



WEB COPY



W.P.No.1367 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.1367 of 2023 &

WMP.No.1428 of 2023

1. M/s.KLP Project Pvt. Limited.
2. M/s.Sanklecha Infra Projects Pvt. Ltd.,
Both rep. By its Director Maneesh Parmar
No.1-30, Pembur Barracks Road,
Pattalam, Chennai – 600 011.

... Petitioners

Vs

The Chennai Metropolitan Development Authority,
Rep. by its Principal Secretary/Member Secretary,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Salai, Egmore,
Chennai – 600 008.

... Respondent

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondent to consider the petitioner's application dated 02.11.2022, CMDA/CC/HRB/N/0404/2022 for Partial Completion Certificate submitted by the petitioner and issue Partial Completion Certificate without demanding payment of



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shelter fee in respect of Tower-M : Stilt Floor [pt]/Ground Floor [pt] + 19 floors.

For Petitioners : Mr.Shiva.P

For Respondents : Mrs.R.Revathi, SC for CMDA

ORDER

This Writ Petition has been filed to direct the respondent to consider the petitioner's application dated 02.11.2022, CMDA/CC/HRB/N/0404/2022 for Partial Completion Certificate submitted by the petitioner and issue Partial Completion Certificate without demanding payment of shelter fee in respect of Tower-M : Stilt Floor [pt]/Ground Floor [pt] + 19 floors.

2. The case of the petitioners is that the petitioner now completed Tower M and submitted application for Partial Completion Certificate on 02.11.2022 in respect Tower M comprising of Stilt Floor [pt]/Ground Floor [pt] + 19 floors. However, when the application for Partial



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Completion Certificate has been submitted, the same has not been considered by the respondent. It is his contention that the respondent has demanded a sum of Rs.5,93,93,000/- towards shelter fee. However, the same has been challenged in W.P.No.24657 of 2022 restraining the respondent from collecting the said amount. Hence, it is his contention that as 10% of the construction is meant for low income group, the question of paying the shelter fee does not arise at all.

3. Whereas, the learned Standing Counsel appearing for the respondent submitted that this Writ Petition has been filed only to consider the application filed by the petitioners and the same will be considered on merits and Orders will be passed.

4. In view of the limited payer sought in the Writ Petition, the respondent shall consider the application of the petitioners dated 02.11.2022 and pass Orders on merits within a period of two weeks from the date of receipt of a copy of this Order.



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5. With the above directions, this Writ Petition is disposed of.

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Consequently, connected miscellaneous petition is closed. No costs.

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Index: Yes/No

Neutral Citation : Yes/No

vrc

To,

The Principal Secretary/Member Secretary,
The Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Salai, Egmore,
Chennai – 600 008.



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N.SATHISH KUMAR, J.

VTC

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