



WEB COPY



W.P. No. 41252 of 2002

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. No. 41252 of 2002

M/s. Deccan's Park Ltd.
Rep. By its Director
Mr. A.Nirmal Gandhiya
No.46, Dr. B.N.Road
T.Nagar, Chennai – 600 017.

.. Petitioner

-VS-

1. State of Tamil Nadu
Rep. By Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai – 9.

2. Member Secretary
Chennai Metropolitan Development Authority
1, Gandhi Irwin Salai
Egmore, Chennai – 8.

..

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring that the provisions of Rule 19(b) (III-(B)) of the Development Control Rules as ultra vires, illegal, unconstitutional and unenforceable insofar as it relates to levy and collection of security deposit for the proposed development and consequently direct the respondents to issue planning permission for the property situated at Block No. 23, Door No.36, Royapettah High Road, Chennai and comprised in R.S. Nos. 1101/3 and 1102/2 without insisting on security deposit for proposed development as contained in the Lr.No.C3/15593/2001 dated 28.10.2002 of the second respondent received on 005.11.2002.

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For the Petitioner : No appearance
For the Respondents : Mr. U. Baranidaran
Additional Government Pleader,
R2 – No appearance

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

None appears for the Petitioner.

2. It is submitted by learned Government Pleader that new rules are introduced in the year 2019, namely, Tamil Nadu Combined Development Building Rules, 2019.

3. In light of that, the challenge in the writ petition becomes infructuous. The writ petition, as such, is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

16.06.2023

Index : yes/no
Neutral Citation : Yes/No
sra/Maya



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To:

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1. The Secretary to Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George, Chennai – 9.
2. Member Secretary
Chennai Metropolitan Development Authority
1, Gandhi Irwin Salai
Egmore, Chennai – 8.



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(sra)

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