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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2023

CORAM :

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

AND

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

W.P.No.20249 of 2010

M/s. Somasimara Realtors (P) Ltd.
No.17/35, Second Main Road
Adayar, Chennai 600 020. .. Petitioner

Vs.

1. The State of Tamil Nadu
   Rep. by its Secretary to Government
   Housing & Urban Development Department
   Chennai 600 009.

2. The Member Secretary
   Chennai Metropolitan Development Authority
   Thalamuthu Natarajan Building
   No.1, Gandhi Irwin Road
   Chennai 600 008. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Declaration to declare the amended provisions of 63B and 63C of Tamil Nadu Town and Country Planning Act, 1971 authorising to levy collection of Infrastructure and Amenities charges as untra vires to the Constitution and forbearing the respondents from levying or collecting infrastructure and amenities charges.

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For the Petitioner : Mr.S.Vaitheeswari
For Mr.S.Sundaresan

For the Respondents : Mrs.R.Anitha
Special Government Pleader
for Respondent-1

Mrs.P.Veena Suresh
for Respondent-2

ORDER
(Made by the Hon'ble Chief Justice)

Heard Ms.S.Vaitheeswari, learned counsel for the petitioner, Mrs.R.Anitha, learned Special Government Pleader for the first respondent and Mrs.P.Veena Suresh, learned counsel for the second respondent.

2. Learned counsel for the second respondent submits that the challenge made in this writ petition to the Tamil Nadu Town and Country Planning (Levy of Infrastructure and Amenities Charges) Rules, 2008 has been negatived by the Division Bench of this Court in the case of ***D.Manikandan v. State of Tamil Nadu [2013 (5) CTC 494]***.

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3. In the light of that, the present writ petition also stands dismissed. There will be no order as to costs. Consequently, M.P.No.1 of 2010 is also dismissed.

(S.V.G., CJ.) (P.D.A., J.)
03.07.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The Secretary to Government
   Housing & Urban Development Department
   Chennai 600 009.

2. The Member Secretary
   Chennai Metropolitan Development Authority
   Thalamuthu Natarajan Building
   No.1, Gandhi Irwin Road
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(kpl)

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