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W.P.No.3725 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.3725 of 2023

R.L.Dhanapal

... Petitioner

Vs.

1.The Principal Secretary,
Housing and Urban Development Department,
Secretariat, Chennai.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai – 8.

3.The Deputy Financial Analyst,
Finance division,
Chennai Metropolitan Development Authority,
Chennai – 600 008.

4.The Senior Accounts Officer,
Accounts (Main) Division,
Chennai Metropolitan Development Authority,
Chennai – 600 008.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to refund of Rs.1,23,26,000/- (One Crore Twenty Three Lakhs Twenty Six Thousand only) collected towards the payment of infrastructure and amenities charges by considering the petitioner's representation dated 27.12.2022 and further direct the respondents to



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implement the second respondent's order bearing No.C3(N)/12235/2021 dated 27.05.2022, further direct the respondent to refund the same with a compound interest for the tune of 9% p.a., from the date of payment within the reasonable time frame to be fixed by this Court.

For Petitioner : Ms.Reshmi Christy

For Respondents : Mr.S.Rajesh, for R1
Government Advocate
Mrs.R.Revathy, for RR2 to 4
Government Advocate

ORDER

The Writ Petition has been filed to direct the second respondent to refund the sum of Rs.1,23,26,000/- collected towards the payment of infrastructure and amenities charges by considering the petitioner's representation dated 27.12.2022 and further direct the respondents to implement the second respondent order bearing No.C3/ (N) / 12235 / 2021 dated 27.05.2022 and further direct the respondent to refund the same with a compound interest for the tune of 9 percent per annum from the date of payment.

2. The grievance of the petitioner is that he is the owner of the property in T.S.No.4/5, 6, block No.63 and T.S.No.1/13 block No.64, Koyambedu Village, Egmore, Nungambakkam Taluk, Chennai. He has applied for planning permission.

Since he could not proceed, he submitted the revised proposal. At that time, the



respondent demanded Rs.3,33,45,000/- towards the revised OSR charges and regularisation charges for the land. The revised planning permission submitted by the petitioner was returned unapproved on 14.07.2021. Therefore, the petitioner has sought proposal and submitted a request to the respondent to refund the amount. The second respondent has passed an order and agreed to refund a sum of Rs.1,23,26,000/- vide Letter No.11563/UD1(2)/2020-1 dated 01.10.2020. Despite such an order being passed, the amount has not been refunded.

3. Learned counsel appearing for the respondents would submit that by proceeding dated 27.05.2022, in respect of the amount of Rs.1,23,26,000/-, Finance division has requested to take necessary action to place the proposal before the Tamil Nadu State Infrastructure and Amenities Promotion committee as directed by the Government. Accordingly, only the Government has to refund the amount.

4. Learned counsel appearing for the first respondent would submit that since the committee has to take a decision, it requires some time and seeks three months time to pay the amount.



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5. In such view of the matter, there shall be a direction to the respondents to refund the amount to the petitioner, within a period of three months from the date of receipt of copy of this order. Accordingly, this Writ Petition is disposed of. No costs.

09.02.2023

Index :Yes/No

Neutral Citation: Yes / No

AT

To

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N.SATHISH KUMAR, J.

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