



WEB COPY



WP.No.6291 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No. 6291 of 2023
and W.M.P.No. 6309 of 2023

1.Narendra Sakariya
2.Meena Sakariya

.. Petitioners

Versus

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 and
Amenities Promotion Committee
Under the Aegis of Housing and 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, directing the respondent to consider the representation of the petitioner dated 07.02.2023 and consequentially direct the respondent to refund the of Rs.63,29,040/- paid towards



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infrastructural and Amenities Charges and Rs.47,46,780/- paid towards shelter fees.

For Petitioners : Mr.Jayesh B.Dolia
for M/s.Aiyar and Dolia

For Respondents : Mrs.R.Anitha for R1 & 3
Special Government Pleader

Mrs.P.Veena Suresh for R2

ORDER

This Writ Petition has been filed to direct the respondent to consider the representation of the petitioner dated 07.02.2023 and consequentially direct the respondent to refund the sum of Rs.63,29,040/- paid towards infrastructural and Amenities Charges and Rs.47,46,780/- paid towards shelter fees.

2. The grievance of the petitioners is that the petitioners are entitled to the refund of Rs.63,29,040/- paid towards infrastructural and Amenities Charges and Rs.47,46,780/- paid towards shelter fees and the same have not been refunded to the petitioners. Therefore, the petitioner sent a representation to the second respondent and the same has not been considered. Hence, the present Writ Petition.



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3. The learned Special Government Pleader appearing for the respondents 1 and 3 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.63,29,040/- paid towards infrastructural and Amenities Charges and Rs.47,46,780/- paid towards shelter fees. Despite the recommendation made on 31.01.2022, the same has not been refunded to the petitioners.

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.63,29,040/- paid towards infrastructural and Amenities Charges and Rs.47,46,780/- paid towards shelter fees within a period of six weeks from today. Besides the second respondent is also directed to return the bank guarantee executed by the



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petitioners, if any. Failure to refund the amount within a period of six 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.

02.03.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order : Yes/No
dhk

To

1. The Secretary
Housing and Urban Development Department
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