



WEB COPY



W.P.No.6890 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.03.2023

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.No.6890 of 2023

and

W.M.P.No.6983 of 2023

1.R.Venkataraman & R.V.Raman,
No.1647D, Sri Chinthamani Gruham,
21st Cross Street, Vidyalaya Road,
Roopa Nagar, Bogadi,
Mysuru 570 026.

2.R.Sriram,
Old No.62, New No.17, 4th Street,
Abhiramapuram, Alwarpet,
Chennai 600 018.

3.Rama Kumaraswamy,
Flat H3D, Ceedeeyes Reegal Palm Garden,
Velachery Main Road,
Velachery, Chennai 600042.

Represented by its Power Agent,
M.Chandru,
17/35, 2nd Main Road Gandhi Nagar,
Adyar, Chennai 600 020.

... Petitioners

Vs.

The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai 600 008.

... Respondents



W.P.No.6890 of 2023

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondent to consider the Petitioner's request dated 23.01.2023 in the light of the Tamil Nadu Combined Development and Buildings Rules, 2019 and regulate the premium FSI Rules in the light of concession offered by the Government in Rule 30(5) of the same and rework the Development charges advised issues to the Petitioner's development vide their Advice in File No.CMDA/PP/NHRB/S/0553/2022 dated 18.01.2023.

For Petitioners : Mr.S.Sundaresan

For Respondent : Mrs.R.Revathy

ORDER

This Writ Petition has been filed to direct the Respondent to consider the Petitioner's request dated 23.01.2023 in the light of the Tamil Nadu Combined Development and Buildings Rules, 2019 and regulate the premium FSI Rules in the light of concession offered by the Government in Rule 30(5) of the same and rework the Development charges advise issued to the Petitioner's development vide their Advice in File No.CMDA/PP/NHRB/S/0553/2022 dated 18.01.2023.

2.Heard the learned counsel appearing on behalf of the Petitioners and the learned counsel appearing on behalf of the Respondent.



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3.The Petitioner applied for planning permission before the Respondent on 07.10.2022 for construction of stilt + 5 floors with 5 dwelling units. On such application, the Respondent vide File No.CMDA/PP/NHRB/S/0553/2022 dated 18.01.2023, fixed the necessary fees, payable within a period of 30 days and ordered that in case of default, it would invite interest. Though representation has been made by the Petitioner on 23.01.2023, for revising the Premium FSI charges and to issue the revised DC, no orders have been passed on the same. Hence, the Petitioner preferred this Writ Petition.

4.Having regard to the submissions made by the learned counsel appearing on either side and taking into consideration the prayer sought for by the Petitioner, without expressing any opinion with regard to the merits of the case and without going into the rights of the parties, I am inclined to direct the Respondent to consider the Petitioner's representation dated 23.01.2023 and pass orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5.In fine, the Writ Petition is allowed to the extent indicated above. No



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costs. Consequently, connected Miscellaneous Petition is closed.

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07.03.2023
(2/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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To

The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai 600 008.



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W.P.No.6890 of 2023

RMT.TEEKAA RAMAN.J,

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W.P.No.6890 of 2023
and
W.M.P.No.6983 of 2023

Dated: 07.03.2023
(2/2)



W.P.No.6890 of 2023

WEB COPY WMP.No.6981 of 2023
in
WP.No.6890 of 2023

RMT.TEEKAA RAMAN, J.

Ordered.

07.03.2023

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