



W.P.No.2982 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**WP.No.2982 of 2018 &
WMP.Nos.3630 to 3632 of 2018**

M/s.Heat and Control [South Asia] Pvt. Ltd.,
No.99, E Block, 3rd Avenue, Anna Nagar East,
Chennai – 102. Rep. by its General Manager
[India & South Asia]

... Petitioner

Vs

1. The Government of Tamilnadu,
Rep. by its Secretary to Government,
Housing & Urban Development Department,
Fort St. George, Chennai – 600 009.
2. The Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
Thalamuthu Natarajan Building, No.1 Gandhi Irwin Salai,
Egmore, Chennai – 600 008.
3. The Deputy Director of Town and Country Planning, [P]
Chengalpattu Region, No.124, GST Road,
Chengalpattu – 603 001.

... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records



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connected with the proceedings of the first respondent in G.O.Ms.No.135 Housing and Urban Development [SC1-2] Department dated 21.07.2017 and the consequential proceedings of the third respondent herein bearing letter No.NA/KA.No.182/2017 Sa.Ma.3 dated 31.08.2017 and quash the same in so far as it relates to the demand for shelter fee alone and direct the third respondent herein to grant Building Plan approval to the petitioner company for development of industrial shed in its land comprised in the land bearing Plot No.2, Survey Nos.46/1. 47/1, 47/2, 47/3, 47/5 & 47/6 in Anjur Village and 1/1, 1/2, 1/3, 1/4, 1/5, 1/6, 2/1, 2/2, 2/3, 2/4, 2/5, 2/6 [part], 2/7, 3/1, 3/2, 3/3, 4/5B Part, 4/9, 4/10, 4/11 in Echakaranai Village, Mahindra World City, 8th Avenue, 1st Cross Road, Kattankulathur Block, Chengalpettu Taluk, Kancheepuram District, without insisting for payment of Shelter Fee.

For Petitioner : Mr.John Zachariah

For Respondents : Mr.K.Karthick Jesanath
Government Advocate – R1 & R3

Mrs.P.Veena Suresh – R2

ORDER

This Writ Petition has been filed to quash the impugned proceedings of the first respondent in G.O.Ms.No.135 Housing and Urban Development



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[SC1-2] Department dated 21.07.2017 and the consequential proceedings of the third respondent dated 31.08.2017 in so far as it relates to the demand for shelter fee alone and direct the third respondent herein to grant Building Plan approval to the petitioner company for development of industrial shed in its land without insisting for payment of Shelter Fee.

2. When the matter is taken up today, the learned Government Advocate appearing for the first and third respondents submitted that after the Government Order, the Tamil Nadu Town and Country Planning Act, 1971 itself has been amended under Act 14 of 2018.

3. In such view of the matter, this Court is of the view that mere challenging of the Government Order for claiming Shelter Fee does not serve any purpose, unless the very Act is challenged.

4. Accordingly, this Writ Petition is dismissed as infructuous. Consequently, connected miscellaneous petitions are closed. No costs.

21.02.2023



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WEB COM Index: Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Commissioner
Municipal Administration and Water Supply Department,
Chepauk, Chennai – 600 005.
2. The Commissioner,
Corporation of Chennai, Rippon Buildings,
Chennai – 600 003.
3. The Assistant Revenue Officer,
Corporation of Chennai, Rippon Buildings,
Chennai – 6003.
4. The Zonal Officer, Zone -9,
Corporation of Chennai,
No.1, Lake Area, 4th Cross Steet,
Nungambakkam, Chennai – 600 034.



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N.SATHISH KUMAR, J.

VTC

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