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W.P.No.20035 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.20035 of 2023

Developer Group India Private Limited
represented by its Authorized Signatory
Registered Office:
F-6, Lajpat Nagar III, Basement,
New Delhi – 110 024.

Also at:
Chennai-Bengaluru Highway (NH-4),
opp. to Sree Sastha College of Engineering,
Chembarambakkam, Poonamallee,
Chennai – 600 123.

... Petitioner

VS.

1. Government of Tamil Nadu
represented by its Secretary
The Housing and Urban Development Department
Secretariat, Chennai – 600 009.

2. The Member Secretary
Chennai Metropolitan Development Authority,
Thalamuthu-Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.



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3.The Tamil Nadu State Infrastructure and
Amenities Promotion Committee
under the Aegis of Housing and Urban Development
Government of India
Fort St. George,
Chennai – 600 009.

4.Director of Town and Country Planning
2nd, 3rd & 4th Floor, C & E Market Road,
Koyambedu, Chennai – 600 107.

... Respondents

PRAYER: Writ Petition is filed Under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents, more specifically, 2nd Respondent, to consider the Petitioner's representations dated 04th July 2022, 27th February 2023, 31st March 2023 and 28th April 2023 and consequently direct the Respondents, more specifically the 2nd to 4th Respondents, to refund the sum of Rs.9,35,000/- (Rupees Nine Lakhs Thiry Five Thousand Only) towards Development Charges and Regularization Charges); and Rs.1,63,00,000/- (Rupees One Crore Sixty-Three Lakhs Only) paid towards the I&A Charges in all totaling to Rs.1,72,35,000/- (Rupees One Crore Seventy -Two Lakhs Thirty-Five Thousand Only) along with accrued interest as applicable.

For Petitioner : Mr.M.S.Murali
R and P Partners

For R1, R3 and R4 : Mr.N.Naveenkumar
Government Advocate

For R2 : Mr.Y.Bhuvaneshkumar



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Standing Counsel for CMDA

ORDER

This writ petition is filed by the petitioner seeking a direction to the respondents 2 to 4 to refund a sum of Rs.9,35,000/- paid by the petitioner towards development charges and regularization charges and also a sum of Rs.1,63,00,000/- paid by the petitioner towards infrastructure and amenities charges.

2. According to the petitioner, it applied for planning permission before the 2nd respondent for constructions of the residential development of a multi-storied building ('MSB'). The planning permission was granted to the petitioner after collecting various charges such as developmental charges, layout scrutiny charges, regularization charges and infrastructure amenities charges.

3. Due to the sluggish market conditions, the petitioner did not implement the approved Multi-Storied Building (MSB) and hence, they



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requested the 2nd respondent to cancel the planning permission. The petitioner also requested to refund of various sums paid by it to the tune of Rs.4,36,65,000/-. The 2nd respondent, at the request of the petitioner, cancelled the planning permission and passed orders for refund of development charges for land and building and security deposit for STP charges. However, the 2nd respondent has not passed any orders for refund of development charges, regularization charges and infrastructure and amenities charges totalling to Rs.1,72,35,000/-. The petitioner herein made various requests to the respondents and same have not been considered and hence, the petitioner has filed this writ petition.

4. Mr.N.Naveenkumar, learned Government Advocate takes notice for respondents 1, 3 and 4 and Mr.Y.Bhuvaneshkumar, learned Standing Counsel for CMDA takes notice for 2nd respondent.

5. The learned Standing Counsel appearing for the 2nd respondent, on instructions, submits that the proposal for refund of infrastructure and amenities charges for the building in question is prepared and appeared to have sent to the 3rd respondent for approval as per the proceedings of the 2nd



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respondent in Proc.No.C3(N)/10062/2022 dated 23.01.2023. Therefore, it is for the 3rd respondent to consider the same and pass necessary proceedings.

6. In view of the stand taken by the petitioner, the proposal for refund of infrastructure and amenities charges to the tune of Rs.1,63,00,000/- had already been prepared and submitted to the 3rd respondent, the 3rd respondent is directed to take a decision and pass necessary orders for refund of infrastructure and amenities charges to the tune of Rs.1,63,00,000/- to the petitioner, within a period of six weeks from the date of receipt of copy of this order. However, the payment is not made within a period of six weeks, the petitioner is entitled to interest at the rate of 7.5% from the date of expiry of six weeks period to the date of actual payment.

7. As far as the refund of Rs.9,35,000/- towards development and regularization charges, the petitioner is directed to submit a fresh representation to the 2nd respondent within a period of two weeks from the date of receipt of copy of this order. The 2nd respondent is directed to consider the same and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of fresh representation



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from the petitioner.

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8. With the above directions, the writ petition is disposed of. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To

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1. The Secretary,
Government of Tamil Nadu,
The Housing and Urban Development Department
Secretariat, Chennai – 600 009.
2. The Member Secretary
Chennai Metropolitan Development Authority,
Thalamuthu-Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.
3. The Tamil Nadu State Infrastructure and
Amenities Promotion Committee
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