



WEB COPY



W.P.No.20470 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.20470 of 2023

M.Kannan

... Petitioner

VS.

1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi-Irwin Road,
Egmore, Chennai 600 008.

2.The Commissioner,
Tambaram Municipal Corporation [Pallavapuram]
Chrompet, Chennai-600044.

... Respondents

PRAYER: Writ Petition is filed Under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to consider the application of the petitioner dated 10.09.2020 and order for the refund of the OSR charges amounting to Rs.6,29,000/- received from the petitioner at the time of granting plan approval in SD.No-10, PPL No-94/19/f1 accorded by Pallavapuram Municipality for the sub-division of the land of an extent of 349 sq.mts in Plot No.1, comprised in Sy.No. 75/10, Perumal Nagar, Old Pallavalram Village, Chennai within a time frame fixed by this Court.

For Petitioner : Mr.D.Arun



WEB COPY



W.P.No.20470 of 2023

For R1 : Mr.Y.Bhuvaneshkumar
Standing Counsel for CMDA

For R2 : Mr.P.Srinivas
Standing Counsel
for Tambaram Corporation

ORDER

The petitioner seeks a direction to the respondents to consider the application of the petitioner dated 10.09.2020 for refund of OSR charges and pass orders within a time frame fixed by this Court.

2. According to the petitioner, he is the owner of the land measuring to an extent of 3754 sq.ft., in Plot No.1 comprised in Sy.No.75/10 situated at Old Pallavaram Village and Taluk. The petitioner applied to the 2nd respondent for sub-division of the above said plot into two plots as Plot Nos.1A and 1B. The petitioner was directed to remit a sum of Rs.6,29,000/- towards open space reservation charges along with other charges. It is the case of the petitioner that the petitioner developed the land with an extent of 349 sq.mts., and OSR charges are applicable only for the development of the land above 3000 sq.mts. Therefore, citing the said reason, the petitioner



W.P.No.20470 of 2023

submitted an application dated 10.09.2020 before the 1st respondent seeking refund of OSR charges paid by him. Since no progress has been taken place in considering the said application, the petitioner has come up by way of this writ petition.

3. Mr.Y.Bhuvaneshkumar, learned Standing Counsel for CMDA takes notice for the 1st respondent and by drawing the attention of this Court to the communication of the 1st respondent dated 29.10.2021 sent to the 2nd respondent, submitted that the 2nd respondent was requested by 1st respondent to forward the connected original file along with recent inspection remarks.

4. Mr.P.Srinivas, learned Standing Counsel takes notice for the 2nd respondent and submits that the request of the 1st respondent in his communication dated 29.10.2021 will be complied with within a period of two weeks by the 2nd respondent.

5. In view of the above submission made by the learned Standing Counsel for the 2nd respondent and the limited prayer made by the writ



W.P.No.20470 of 2023

petitioner, without going into the merits of the case, this Court is inclined to direct the 2nd respondent to furnish original file and recent inspection remarks to the 1st respondent within a period of two weeks from the date of receipt of copy of this order. On receipt of file and remarks from the 2nd respondent, the 1st respondent shall consider the request of the petitioner in his Application dated 10.09.2020 within a period of four weeks thereafter and pass orders in accordance with law.

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

11.07.2023

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



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To

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S.SOUNTHAR, J.

dm

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