



WEB COPY



W.P.No.20887 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.20887 of 2023
and W.M.P.No.20253 of 2023

M/s. Purva Good Earth Properties
Private Ltd.,
Rep. by its Authorized Signatory,
Having its Registered Office at
130/1, Ulsoor Road,
Bengaluru – 560 042.
and Branch Office at
No.33, South Beach Avenue,
2nd Street, Ground Floor, MRC Nagar,
Raja Annamalai Puram,
Chennai – 600 028.

...Petitioner

Vs.

1.Government of Tamil Nadu,
Rep. By its Secretary
Housing and Urban Development,
Fort St. George, Chennai – 600 009.

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



W.P.No.20887 of 2023

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

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to consider the representation of the petitioner dated 06.06.2023 and consequently direct the second respondent to refund the amount of Rs.12,22,00,000/- paid toward Infrastructural and Amenities charges within a time limit to be stipulated by this Court.

For Petitioner : Mr.Jayesh B.Dolia
for Aiyar and Dolia
Assisted by Mr.V.Kalyanaraman

For Respondents 1 & 3 : Mr.C.Selvaraj
Additional Government Pleader

For Respondent 2 : Mr.Y.Bhuvanesh Kumar
Standing Counsel (CMDA)



W.P.No.20887 of 2023

WEB COPY

ORDER

The petitioner herein seeks a direction to the second respondent to consider his representation dated 06.06.2023 and pass necessary orders for refund of Infrastructure and Amenities Charges.

2. The petitioner submitted an application to the second respondent for obtaining planing permission for proposed construction of Multi-Storied Buildings at Keelmanambedu Village. He remitted a sum of Rs.12,22,00,000/- towards Infrastructure and Amenities Charges as demanded by the second respondent. Now, the petitioner dropped his development plan and his application is withdrawn. In these circumstances, he made a request to the second respondent to refund the Infrastructure and Amenities Charges.

3. The second respondent in his Letter No.AM5/4418/2021-3 dated 16.09.2022, recommended to the third respondent to consider refund of Infrastructure and Amenities Charges paid by the petitioner.



W.P.No.20887 of 2023

WEB COPY

4. Mr. Mr.Y. Bhuvanesh Kumar, learned Standing Counsel who takes notice for the second respondent, on instructions, submits that the second respondent has already recommended refund of the charges and the matter is pending before the third respondent for consideration.

5. In view of the submission made by the learned counsel for the second respondent, this Court is inclined to issue a direction to the third respondent to take a decision on the recommendation made by the second respondent within a period of two(2) weeks from the date of receipt of a copy of this order. In case, the third respondent accepts the recommendation of the second respondent, the second respondent has to pass necessary orders for refund within a period of four (4) weeks from the date of receipt of the communication from the third respondent. Therefore, the entire process shall be completed within a period of six (6) weeks from today (14.07.2023). In case, there is a delay beyond the period of six (6) weeks, the second respondent shall pay interest at the rate of 7.5% per annum on the refundable amount.



WEB COPY



W.P.No.20887 of 2023

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

Consequently, connected miscellaneous petition is closed.

14.07.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

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Note: Issue order copy on 18.07.2023

To

1. The Secretary,
Government of Tamil Nadu,
Housing and Urban Development,
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 & Urban



W.P.No.20887 of 2023

Development Government of Tamil Nadu,
Fort St. George, Chennai – 600 009.

S.SOUNTHAR, J.
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W.P No.20887 of 2023



WEB COPY



W.P.No.20887 of 2023

14.07.2023