



W.P.No.22334 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.22334 of 2017

Mrs.Shanthi Gopalakrishnan
Rep. by her Power Agent Sairam

... Petitioner

Vs

1. Government of Tamilnadu
Rep. by its Secretary,
Housing & Urban Development Department,
Fort St., George, 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 Deputy Director of Town and Country Planning,
Chengalpattu Region, No.124, GST Road,
Periyar Shopping Complex, Chengalpattu – 603 001. ... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in Letter No.B/1/19140/2016 dated 25/07/2017, quash the same, consequently direct the second respondent to refund a sum of Rs.14,60,000/- towards Open Space Reservation charges, a sum of Rs.13,000/- towards development



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charges and a sum of Rs.35,000/- towards Regularization charges, in all a sum of Rs.15,08,000/- with interest by the second respondent within the time framed fixed by this Court as it may deem fit.

For Petitioner : Mr.G.Vijayakumar

For Respondents : Mr.S.Rajesh
Government Advocate – R1 & R3

Mr.C..Vinobha – R2

ORDER

This Writ Petition has been filed to quash the impugned letter dated 25.07.2017 and consequently direct the second respondent to refund a sum of Rs.14,60,000/- towards Open Space Reservation charges, a sum of Rs.13,000/- towards development charges and a sum of Rs.35,000/- towards Regularization charges, in all a sum of Rs.15,08,000/- with interest within the time framed fixed by this Court.

2. The case of the petitioner is that at the time of obtaining planning permit for redeveloping the property, he was directed to pay the Open Space Reservation Charges, Development charges and regularisation charges, in spite of the representation given by the petitioner to the



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respondent at the time of obtaining planning permission that the Thirumalai Nagar layout is approved lay out and Open Space Reservation Charges, development charges and regularisation charges need not be collected. Without considering the same, the second respondent has erroneously collected the charges from the petitioner. The petitioner was forced to pay the charges as the construction of the building will be stalled. When the petitioner gave a letter to the third respondent requesting to furnish a copy of the layout approval, the third respondent by a communication dated 14.09.2016 informed that they do not possess a copy of the lay out plan. Hence, the present Writ Petition has been filed for refund of the charges paid by the petitioner.

3. The learned counsel appearing for the second respondent submitted that the petitioner has been directed to furnish a copy of the approved layout plan duly attested by LB/DTCP officials or ownership documentary evidence for proving that the site under reference exists prior to 05.07.1975 and if the petitioner produces the documents, his representation will be considered by the authorities concerned.



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4. In such a view of the matter, the petitioner shall produce a copy of the communication sent by the third respondent along with copy of documents within a period of fifteen days from the date of receipt of a copy of this Order. On such production of such documents, the second respondent shall consider the case of the petitioner and pass an Order within a period of fifteen days thereafter.

5. With the above directions, this Writ Petition is allowed and the impugned communication of the second respondent dated 25.07.2017 is hereby quashed. No costs.

01.03.2023

Index: Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Secretary,
Housing & Urban Development Department,
Fort St., George, Chennai – 600 009.



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2. The Member Secretary,
Chennai Metropolitan Development Authority,
'Thalamuthu Natarajan Maaligai',
No.1, Gandhi Irwin Road, Egmore, Chennai – 600 008.
3. The Deputy Director of Town and Country Planning,
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N.SATHISH KUMAR, J.

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