



WEB COPY



W.P.No.29606 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.29606 of 2017

and

W.M.P.No.31892 & 31893 of 2018

G.T.Sambandham

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep., by Secretary to Government,
Housing and Urban Development(SC1-2) 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.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in G.O.Ms.No.135 Housing and Urban Development (SC1-2) Department dated 21.07.2017 and the consequential proceedings of the 2nd respondent herein bearing Letter No.C3(N)/11241/2016 dated 31.10.2017 and quash the impugned order dated 21.07.2017 of the 1st respondent and the consequential proceedings dated 31.10.2017 of the 2nd respondent in so far as it relates to the demand for Shelter Fee and direct the 2nd respondent herein to grant building plan



W.P.No.29606 of 2017

approval to the petitioner for construction of MSB Building with BF+Stilt Floor+1st floor (Shop use) + 2nd floor to 9th floor (office use) commercial use building abutting Poonamallee High Road, comprised in S.Nos.3/1B1, 4/3A1, 4/3B1, 4/3C1 and 4/3D1 of Nerkundram Village without insisting for payment of Shelter Fee.

For Petitioner : Mr.L.Murali Krishnan

For Respondents : Mrs.R.Anitha, for R1
Special Government Pleader
Mrs.P.Veena Suresh, for R2

ORDER

This Writ Petition has been filed to call for the records 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 second respondent herein bearing Letter No.C3(N)/11241/2016 dated 31.10.2017 and quash the impugned order dated 21.07.2017 of the first respondent and the consequential proceedings dated 31.10.2017 of the second respondent insofar as it relates to the demand for Shelter Fee and direct the second respondent herein to grant building plan approval to the petitioner for construction of MSB Building with BF + Stilt Floor + 1st floor (Shop use) + 2nd floor to 9th floor (office use) commercial use building abutting Poonamallee High Road, comprised in S.Nos.3/1B1, 4/3A1, 4/3B1, 4/3C1 and 4/3D1 of Nerkundram Village without insisting for payment of Shelter Fee.



W.P.No.29606 of 2017

2. Challenge has been mainly made for levying the shelter fee under Town and Country Planning Act, by way of Government Order. Now, the Act itself amended under Section 63(B) of the Town and Country Planning Act.

3. In such view of the matter, nothing survives for further adjudication. Accordingly, the Writ Petition is dismissed as infructuous. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

03.03.2023

Index :Yes/No

Neutral Citation :Yes/No

AT

To

1.The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development(SC1-2) Department,
Fort St.George,
Chennai – 600 009.

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



WEB COPY



W.P.No.29606 of 2017

N.SATHISH KUMAR, J.

AT

W.P.No.29606 of 2017 and
W.M.P.No.31892 & 31893 of 2018

03.03.2023