



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17877 to 17879 of 2014 AND

M.P.(MD)Nos.1, 1 and 1 of 2014

Aurolab Trust,
Rep. by its Trustee,
G.Srinivasan,
No.1, Anna Nagar, Madurai – 625 020. ... Petitioner
in W.P.(MD)No.17877 of 2014

Govel Trust,
Rep. By its President,
G.Srinivasan,
No.1, Anna Nagar, Madurai – 625 020. ... Petitioner
in W.P.(MD)Nos.17878 & 17879 of 2014

Vs.

The Assistant Commissioner,
Zone 2,
Madurai Corporation,
Madurai. ... Respondents
in all WPs.

Common Prayer: Writ petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in Ma.Thi.(Zone 2) 18164/09 dated .09.2014 signed on 19.09.2014, quash the same and consequently forbearing the respondent from in any manner seeking to enforce the levy of infrastructure and basic amenities charges on the rates revised after the grant of the building permission to the petitioner in license Nos.214/2008, 161/2008 and 102/2009.



(in all WPs.)

For Petitioner : Mr.P.Srinivas

For Respondents : Mr.R.Murali

* * *

COMMON ORDER

Heard the learned counsel on either side.

2. The petitioner applied to the Madurai Corporation seeking multi storied building plan approval. The Corporation granted the approval sought for vide three proceedings dated 28.03.2008, 29.04.2008 and 25.02.2009. The petitioner had also subsequently put up construction in terms of the building plan approvals. While so, the impugned communications(three in number) came to be issued calling upon the petitioner to pay the sums demanded therein towards infrastructure and amenities charges. Challenging the same, the present writ petitions came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petitions and called upon this Court to quash the impugned demands.



4. Madurai Corporation has filed counter affidavit and the learned Standing counsel took me through its contents.

The learned Standing counsel submitted that apart from the usual charges, a person seeking building plan approval was called upon to pay infrastructure and development charges. Vide G.O.(Ms)No.22 Housing and Urban Development (UD4(3) Department, dated 25.01.2008 framed the Tamil Nadu Town and Country Planning (Levy of Infrastructure and Amenities Charges) Rules, 2008. Subsequently, further orders were issued under the said rules. Infrastructure and amenities charges leviable for different categories in different areas were set out in G.O.Ms.No.161 Housing and Urban Development (UD 4(1) Department dated 09.09.2009. It is obvious and it cannot be disputed that the petitioner submitted their applications for multi storied building plan approval only after the Tamil Nadu Town and Country Planning (Levy of Infrastructure and Amenities Charges) Rules, 2008 came into force. The validity of the said rules was upheld in the decision reported in **2013 (5) CTC 494** (D.Manikandan Vs. State of Tamil Nadu). Therefore, the liability of the petitioner to pay infrastructure and amenities



charges cannot be in doubt. But the only question that calls for consideration is whether the petitioner had remitted the said charges.

5. The learned counsel appearing for the petitioner attempted to argue that even in the receipt issued by the Corporation officials, it appears that the petitioner had already paid the amenities charges also.

6. However, on a careful scrutiny of the materials on record, I am satisfied that the petitioner had paid only the infrastructure and development charges. In any event, this is a matter of record. Even if some erroneous endorsement had been made by the officials, that would not operate as an estoppel. This is a pure question of Mathematics. The petitioner had put up the following constructions:-

- a) A new block comprising six floors.
- b) The construction of two additional floors on an existing building.

7. The learned counsel appearing for the petitioner



states that in respect of the new block comprising six floors, calculation appears to be seven floors. As I already stated, the exercise that has to be carried out is a mere computation. The petitioner is aware of the extent of construction in terms of sq.mtr. the charges payable is Rs.250/- per sq. meter. The petitioner can very well verify their records. Before me, the records placed do not indicate that the infrastructure and amenities charges have been made. I therefore sustain the demand impugned in the writ petition. As I already pointed out, if there is any computational error, the petitioner can always submit a representation before the respondent and appropriate proceedings shall be issued. Since the Corporation raised the demand belatedly, the question of paying interest will not arise. This concession will be available to the petitioner provided that they pay the infrastructure and amenities charges within a period of six weeks from the date of receipt of a copy of this order. These writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

27.07.2023

NCC : Yes / No
Index : Yes / No



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W.P.(MD)NO.17877 OF 2014

Internet : Yes / No
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G.R.SWAMINATHAN,J.

PMU

To:

The Assistant Commissioner,
Zone 2,
Madurai Corporation,
Madurai.

W.P.(MD)Nos.17877 to 17879 of 2014

27.07.2023