



WEB COPY



W.P.No.2073 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**Writ Petition No.2073 of 2021
and WMP Nos.2349, 2350, 2353 & 2354 of 2021**

1.Mrs.R.M.Rajeshwari

2.Mr.V.Muthusubramani

3.Mr.R.Lakshmi Narasimham

.... Petitioners

-Vs-

1.The Chennai Metropolitan Development

Authority

Rep. By its Member Secretary

No.1, Gandhi Irwin Road

Annsari Estate

Egmore, Chennai-08.

2.The Executive Officer

Perungaluthur Town Panchayat

Chengalput District.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified mandamus, to call for the records of the 2nd respondent in Meeting No.7, dt.05.06.2017 and consequential proceedings in



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Na.Ka.No.307/2020/A2 dated 16/11/2020 and Na.Ka.No.307/2020/A2 dated 21.12.2020 of the 2nd respondent and quash the same insofar as it relates to levy to Building Permit Fee at Rs.35/- per sq.ft., and consequently direct the 2nd respondent to collect Building Permit Fee at Rs.10/- per sq.ft., and issue building permit/permission to execute work.

For Petitioner : No appearance

For Respondents : Mrs.P.Veena Suresh
Standing Counsel
for R2

No Appearance for R2

ORDER

There is no representation on behalf of the writ petitioners herein.

2.The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records of the meeting of the 2nd respondent held on 05.06.2017 and the consequential proceedings dated 16.11.2020 and 21.12.2020 of the 2nd respondent relating to levy of building permit fee at Rs.35/- per sq.ft., and direct the 2nd respondent to collect building permit fee only at Rs.10/- per sq.ft., and issue building permit/permission to execute the work.



3. In the affidavit filed in support of the writ petition, it had been stated that the writ petitioners who are represented by their power agent had promoted approved Plots in Survey No.26/2C, Perungaluthur Village, Tambaram Taluk in Kancheepuram District (currently Chengalpet District) in the name of Pavithra Enclave. They had obtained necessary permission but however they are aggrieved by the revision of the building permit fee from Rs.10/- to Rs.35/- and the writ petition has been filed seeking interference of such revision in the fee.

4. The issue raised does not survive for adjudication any further, since in the status report filed by the 1st respondent, the Chennai Metropolitan Development Authority, as pointed out by the learned counsel, a revised demand letter had been issued to the petitioners on 01.09.2021 and the fee had also been remitted by the petitioners. Subsequently, building permit had also been granted by proceedings dated 02.09.2021. The relevant portions in the status report of the 1st respondent are as follows:

“9. I further submit that the Hon'ble High Court vide an Interim Order dated 12.02.2021 with a direction to the 2nd respondent-The Executive Officer, Perungalathur Town Panchayat for a reply and posted the case on 12.02.2021. I further submit that as per the Interim Order of the Hon'ble High



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Court, Madras the Executive Officer, Perungalathur Town Panchayat has issued a revised demad letter in letter No.Na.Ka.No.307/2020/A2, dated 01.09.2021 and the same was remitted by the petitioner.

10.I further submit that the Building Permit for the said building has been issued by the Executive Officer, Perungalathur Town Panchayat in letter No.307/2020 & Building Permit No.073/2021-2022, dated 02.09.2021.”

5.It is thus evident the reason for the absence of the petitioners is obvious.

The petitioners had obtained necessary reliefs.

6.The Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

12.12.2024

Index : Yes/No

NCS : Yes/No

KP



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C.V.KARTHIKEYAN.,J



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