



W.P.No.13088 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.13088 of 2010

and

M.P.Nos.1 & 2 of 2010

K.Balakrishnan

.... Petitioner

Vs

1.The Member Secretary,
CMDA, No.1, Gandhi Irwin Road,
Egmore, Chennai – 08.

2.The Registrar,
Registrar Office,
District of South Chennai,
Kundrathur, Chennai.

3.Senior Planner,
CMDA Area Planning Unit,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 08.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned letter of third respondent in his letter No.U.O.Note No.BC1/484/2010 dated 28.04.2010 issued pursuant to the order passed by this Court in M.P.No.2 of 2010 in W.P.No.8337/2010 and to quash the same and forbearing the respondents from demanding a



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sum of Rs.1,71,60,000/- (One Crore Seventy One Lakhs and Sixty Thousand only) pursuant to the first respondent Letter No.BC1/484/2010 dated 04.04.2010 as premium FSI charges and interest thereon to grant permission to the petitioner building based on the Letter of the second respondent dated 24.03.2010 without any authority and procedures.

For Petitioner	: Mr.S.Sundaresan
For R1 & R3	: Mr.R.Rajkumar Standing Counsel
For R2	: Mr.V.Manoharan Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent dated 28.04.2010, thereby rejected the objections raised by the petitioner on the demand for premium Floor Space Index (hereinafter referred to as “FSI”) charges.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner owned a property comprised in Survey No.51 (part) under Patta 51/1A1A1 situated at Porur Village, Chennai. The petitioner had applied for planning permission for the construction of stilt plus four floors commercial building at Mount Poonamallee Road, by



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an application dated 06.01.2010 with a request to grant premium FSI.

The planning permission was sanctioned by an order dated 11.08.2008 and subsequently, he applied for revised plan. On receipt of the same, the first respondent, by an order dated 04.04.2010, directed the petitioner to pay various charges including the premium FSI to the tune of Rs.1,71,60,000/-.

4. While passing the said demand, the first respondent referred the Government order in G.O.Ms.No.161 H & UD Department, dated 09.09.2009, which indicates and issues guidelines to approve the premium FSI constructions. Accordingly, the amount to be paid by the applicant towards the premium FSI shall be equivalent to the cost of the proportionate land as per the guideline value of the Registration Department. Accordingly, the guideline value was fixed for the subject property and demand was issued. However, the petitioner objected the same and submitted a representation to reconsider the guideline value of the subject property. It was rejected by an order dated 28.04.2010 which is impugned in this writ petition.

5. The learned counsel appearing for the petitioner would submit that the subject land is not abutting any road. The guideline



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value has been taken by the first respondent as per the adjacent land.

The guideline value of the adjacent land can be taken only if for the said land, the square feet value is available with the registration department. However, the registration department had fixed the guideline value for the subject property for which the premium FSI has been sought **for by** the petitioner. The second respondent had furnished wrong particulars by increasing value at 4.4 times higher than the prevailing guideline value existing as per the records. Therefore, the petitioner submitted objections to correct the guideline value.

6. A perusal of the counter filed by the second respondent and the learned Special Government Pleader appearing for the second respondent reveals that the application for premium FSI guideline value sought for from the Sub Registrar, Kundrathur, indicating the subject property and the abutting road. The Sub Registrar, Kundrathur, by a communication dated 24.03.2010, stated that the guideline value as on 01.08.2007 for the Survey No.51 (part) and 51/1A1A1 of Porur Village is Rs.4,358/- per square feet. Accordingly, the FSI charges has been worked out and demand was issued to the petitioner. The objections raised by the petitioner are that the guideline value on the website of the



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registration department is not an authenticated one and that cannot be taken into consideration to work out the premium FSI. In fact, the site of the petitioner abuts Mount-Poonamallee High Road and as such the guideline value would differ from place to place. Now, the period has also lapsed.

7. In view of the above, this Court finds no infirmity or illegality the order passed by the third respondent dated 28.04.2010. Thus, the writ petition lacks merits and it is liable to be dismissed. Accordingly, this writ petition stands dismissed. However, the petitioner is at liberty to apply afresh. Consequently, connected miscellaneous petitions are closed. No costs.

21.08.2024

Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
Lpp

G.K.ILANTHIRAIYAN. J.

Lpp

To

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CMDA, No.1, Gandhi Irwin Road,



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