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W.P.No.20970 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2024

CORAM:

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

W.P.No.20970 of 2014 and
MP.Nos.1 to 4 of 2014

M/s.Hallmark Living Space Pvt Ltd.,
Rep. By its Director, Ms.Aarthi Jain,
Suite "A" United Plaza,
No.43, Usman Road,
T.Nagar,
Chennai 600 017

1.M/s.Hallmark Living Space Pvt.Ltd., (in liquidation)
Rep. By its Liquidator S.Dhanapal,
(IBBI Reg.No:IBBI/IPA-002/IP-N00060/2017-18/10112)
Suit "A" United Plaza,
No.43, Usman Road,
T.Nagar,
Chennai 600 017

Also at
S.Dhanapal, Liquidator for M/s.Hallmark Living Space Pvt.Ltd.,
Suit No.103, First Floor, Kaveri Complex,
96/104, Nungambakkam High Road,
Nungambakkam, Chennai 600 034
(petitioner substituted as per order dated 16.08.2024
made in WMP.No.14815 of 2022 in
WP.No.20970 of 2014)

... Petitioner

Vs

1.State of Tamilnadu,



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Rep. By the Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St.George, Chennai – 600 009
2.The Regional Deputy Director of Town & Country Planning,
Chengalpattu Zone, No.13, Vardarasanar Street,
Vedhachalam Nagar, Chengalpattu -1. Respondents

Prayer :

Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent comprised in its Notice bearing Reference Na.Ka. No.1246/ 2014/Se.Ma 3 first dated 10.4.2014 demanding payment of a sum of Rs.2,84,43,750/- towards Infrastructure and Amenities Charges and Rs.88,300/- towards Centage Charges culminating in the consequent Notice dated 28.07.2014 bearing Reference Roc.No.2684/2014/CR1 issued under purportedly under Sections 56(1) and 57 of the Tamil Nadu Town and Country Planning Act, 1971 and quash the same being arbitrary, illegal and consequently forbearing the respondents, their officers, employees, subordinates, agents or any other persons claiming or acting under them from in any manner interfering with the peaceful possession and enjoyment of the petitioner's property at S.No.395/2, 65, 66A/1, 3A, 67A situated in Chettipunniyam Village and Paranur Village, Chengalpattu Taluk, Kancheepuram District.

For Petitioner : Mr.A.M.Ilango

For Respondents : Mr.V.Manoharan,



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Additional Government Pleader

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ORDER

This Writ Petition has been filed challenging the second respondent's Notice dated 10.4.2014 demanding payment of a sum of Rs.2,84,43,750/- towards Infrastructure and Amenities Charges and Rs.88,300/- towards Centage Charges culminating in the consequent notice dated 28.07.2014.

2. The learned counsel for the petitioner sought for withdrawal of this writ petition and submitted that no construction has been put up as per the planning and building permission to pay the amount which was demanded by the impugned notice. Now the company itself has gone into liquidation and the liquidator has been appointed by the National Company Law Tribunal, Chennai. However, at the time of admission of this writ petition, as directed by this Court, the petitioner deposited the amount to the tune of 25% of the demand to the credit of the second respondent for the property comprised in survey No.395/2, 65, 66A/1, 3A, 67A situated at Chettipunniyam Village and Paranur Village, Chengalpattu Taluk, Kancheepuram District. Therefore, he sought for



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direction to the second respondent to refund the same.

3. On perusal of the affidavit, revealed that entire construction has been completed as per the planning permission. As such, the amount which was already deposited by the petitioner has to be forfeited as per the rules. Therefore, the petitioner is not entitled for refund of the amount which was already deposited and this Court finds no infirmity or illegality in the impugned notices. As such, this writ petition is liable to be dismissed.

4. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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16.08.2024
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To

1. Secretary to Government,
State of Tamilnadu,
Housing and Urban Development Department,
Secretariat, Fort St.George, Chennai – 600 009
2. The Regional Deputy Director of Town & Country Planning,
Chengalpattu Zone, No.13, Vardarasanar Street,
Vedhachalam Nagar, Chengalpattu -1.



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G.K.ILANTHIRAIYAN, J.

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