



WEB COPY



W.P.No.22340 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.22340 of 2024
and
W.M.P. No. 24333 of 2024

M.Seenuvasan

... Petitioner

Vs

1. The Commissioner,
Greater Chennai Corporation,
Chennai.

2. The Assistant Executive Engineer,
Corporation of Chennai,
Amma Malligai,
Rippon Building,
Chennai – 600 003.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to deemed advice notice dated 25.03.2024 passed by the second respondent, quash the same and consequently direct the respondents to accord a sub division approval in respect of in survey Nos.241/3B2, 244/1A1E a Royal Avenue 3rd Street, Thoraipakkam, Okkiyam, Chennai without insisting the OSR charge.



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For Petitioner : Mr. M.Elango
For Respondents : Mr. S.Gopinathan,
Standing Counsel

ORDER

With consent of both sides, this Writ Petition has been taken up for disposal at the admission stage itself.

2. This Writ Petition is filed challenging the order dated 25.03.2024, passed by the second respondent, thereby accorded approval in respect of properties comprised in Survey Nos. 241/3B2 and 244/1A1E at Royal Avenue, 3rd Street, Okkiyam Thoraipakkam Village, Chennai, on the condition that the petitioner shall pay a sum of Rs. 15,10,000/- as open space reservation charges.

3. The petitioner owned the land in Survey No. 241/3B, an extent of 18.53 cents, and in Survey No. 244/1, an extent of 69.16 cents, situated at



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Okkiyam Thoraipakkam Village, Sholinganallur Taluk, Chennai. In the said properties, Plot Nos. 11 and 12, the petitioner's wife had constructed a house and has been residing there for the past 20 years. Insofar as the properties belonging to the petitioner are concerned, he made an application before the second respondent seeking sub-division approval in respect of his properties comprised in Survey Nos. 241/3B2 and 244/1A1E, situated at Royal Avenue, 3rd Street, Okkiyam Thoraipakkam Village, Sholinganallur Taluk, Chennai. Though the second respondent accorded sub-division approval, the petitioner was directed to pay the said sum of Rs. 15,10,000/- as open space reservation charges.

4. The learned counsel for the petitioner submitted that the petitioner sought sub-division approval for only an extent of 12 cents, which is lesser than 3000 sq.mts. If the area of land for which approval/sub-division is sought is lesser than 3000 sq.mts, OSR charge need not be levied. Further, as per the Government Order, the subject land was purchased in the year 1975, and no OSR charge is demanded accordingly.



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5. In view of the above submissions, the order of approval for sub-division is quashed insofar as it demands open space reservation charges of Rs. 15,10,000/- alone, and is remanded back to the second respondent for passing a fresh order on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. In the result, this Writ Petition is partly allowed. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index:Yes/No
Neutral Citation/Yes/No
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G.K.ILANTHIRAIYAN, J.

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