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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP No. 22055 of 2026
CNR: {HCMA011231742026}

and WMP Nos.12911, 23943 & 23944 of 2026

M/s. Jain Housing
A Registered Partnership Firm,
Rep. by its partner,
98/99 Habibullah road,
T.Nagar Chennai 17

..Petitioner(s)

Vs

1. The Member Secretary
   Chennai Metropolitan Development authority,
   No.1, Gandhi Irwin Road, Egmore,
   Chennai 600 008.

2. The Secretary to Government
   Housing and Urban Development Department
   (UD1), Fort St.George, Chennai 600 009.

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records of the impugned payment Advice bearing Letter No. CMDA/ PP/ HRB/ S/ 579/ 2025 dated 28.04.2026 and quash the same as being ultra vires the Tamil Nadu town and Country Planning Act 1971 contrary to GO(MS) No. 189 dated 26.10.2022

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violative of the petitioners vested rights, and unconstitutional and consequently direct the 1st respondent/ CMDA to issue a revised payment Advice demanding Premium FSI charges, Infrastructure and Amenities charges, IDC charges for CMWSSB and Shelter charges and Development charges only for the incremental area in accordance with GO 189 dated 26.10.2022 and the applicable Guideline value.

For Petitioner : Mr.Nithyesh Nataraj

For Respondent(s): Mrs.Girija Velmurugan, Standing Counsel for R1

Mr.B.Sivakollappan
Additional Government Pleader for R2

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The present writ petition has been instituted challenging the order passed by the Chennai Metropolitan Development Authority (hereinafter referred to as 'CMDA') vide proceedings dated 28.04.2026.

2. The petitioner has submitting planning permission application for the proposed construction of a high rise group development consisting 21 floors. In respect of the very same building, the original structure constructed was demolished in pursuance to the order passed in W.P.No.12880 of 2022 and a direction was issued to the builder to submit planning permission. During the

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pendency of the planning permission application, the impugned order dated 28.04.2026 was passed by the CMDA.

3. Learned counsel for the petitioner would mainly contend that the FSI charges as stated in the impugned order is not in consonance with the Government Order and the relevant provisions under the Statute. Therefore, they have filed a separate writ petition.

4. Pertinently, in pursuance of the orders passed by this Court on 07.10.2026 passed in W.P.No.12880 of 2022, the CMDA has granted building plan approval vide proceedings dated 22.10.2026. Since the building plan approval has already been granted by CMDA, in respect of the claim regarding FSI charges and other charges in the payment advice, the petitioner / builder is at liberty to submit a fresh representation setting out their grievance and in the event of receipt of such representation, the respondent CMDA is directed to consider the same and pass a speaking order on merits and in accordance with law. However, the adjudication of the issue by the builder before the CMDA shall not be an impediment for building the 21 storeyed residential complex and hand over the same to the purchasers.

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5. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (R.R.V.,J.)
29-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST

To

1. The Member Secretary
   Chennai Metropolitan Development authority,
   No.1, Gandhi Irwin Road, Egmore,
   Chennai 08
2. The Secretary to Government
   Housing and Urban Development Department
   (UD1)
   Fort St.George,
   Chennai 09

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Order QR

S.M.SUBRAMANIAM, J.
AND
R.RAJESH VIVEKANANTHAN, J.

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