

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2015

CORAM

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.21169 of 2015
and
M.P.Nos.1 to 3 of 2015

N.Rajmohan

.. Petitioner

Vs.

1.Chennai Metropolitan
Development Authority,
rep.by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2.Chennai Metropolitan Development Authority,
rep. by its Chief Executive Officer,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records of the 2nd respondent and quash the impugned order dated 30.06.2015 under reference Letter No.FGM/3314/13 and directing the respondents to allot the shop for an extent of 300 sq.ft.in Koyambedu Food Grain Complex in the category of Non George Town Trades Type I in Koyambedu Wholesale Market Complex, Koyambedu, Chennai 107 to the petitioner.

For Petitioner .. Mr.M.Raja Sekar

For Respondents .. Mr.P.Tamilmani

ORDER

The petitioner contends that he was allotted a shop in the Koyambedu Food Grain Complex Market, Chennai, in July 2013 and he paid the amount of sale consideration as per the schedule of the respondents. Subsequently, the allotment order was cancelled by the second respondent on 30.06.2015 on the ground that balance amount has

not been paid within the time. Challenging the same, the petitioner is before this Court.

2. Heard Mr.N.K.Suresh Kumar, learned counsel appearing for the petitioner and Mr.P.Tamilmani, learned counsel appearing for the respondents.

3. It is seen that this Court, by its common order dated 15.07.2015 in W.P.Nos.21169 and 21170 of 2015 granted stay against the impugned orders and the respondents were also directed not to allot the two shops to any other persons until further orders.

3. In respect of a similarly placed person, namely, V.Masthan, this Court, by its order dated 29.07.2015 in W.P.No.22742 of 2015 set aside the cancellation order. Paragraph Nos.2 and 3 of the above order reads as follows:-

"2. It is at this point of time, Mr.P.Tamilmani, learned standing counsel taking notice for the respondents submitted that the petitioner may be right in saying that he has paid the total cost of the shop, but he cannot be allowed to say that he has paid an excess amount of Rs.1,68,113/-, since only a sum of Rs.37,500/- has been paid in excess.

3. Be that as it may, when the petitioner has paid not only the total cost of the shop even before the allotment and also paid an excess amount of Rs.37,500/- even according to the respondents, the impugned order is liable to be set aside, as it does not reflect anything about the full payment or the excess payment made by the petitioner. Hence, the impugned order is set aside and the respondents are directed to allot the shop to the petitioner as and when the shop is made ready. The Writ Petition stands allowed. Consequently, M.P.Nos.1 and 2 of 2105 are closed. No costs."

4. Following the above order, the impugned order is set aside and the respondents are directed to allot shop to the petitioner within a period of 10 days from the date of receipt of a copy of this order. Accordingly, the Writ Petition is allowed. No costs. The connected Miscellaneous Petitions are closed.

Post the matter for reporting compliance on 15.10.2015.

asvm

29.09.2015

For Reporting Compliance

This Petition having been posted this day the Friday Thirtieth day of October 2015 for Reporting Compliance in pursuance of this order of this court dated 29/9/2015 and made herein in the presence of the above said Advocates the Court made the following order.

When the matter is takenup for compliance the learned counsel for the respondent seeks two weeks time. Hence, two weeks time is granted to enable the respondent to give possession to the allottees of the petitioner.

Therefore, No further is neccessary.

30.10.2015

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

asvm

To

1.Chennai Metropolitan
Development Authority,
rep.by its Member Secretary,
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Egmore, Chennai - 600 008.

2.Chennai Metropolitan Development Authority,
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No.1, Gandhi Irwin Road,
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+1 cc to M/s.M.Rajasekar, Advocate, Sr.53583

W.P.No.21169 of 2015

and

M.P.Nos.1 to 3 of 2015

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EU 6.11.15