

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.21380 of 2015

P.Veeranna Sowcar

.. 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 under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the second respondent and quash the impugned order dated 30.6.2015 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 Traders Type I in Koyambedu Wholesale Market Complex, Koyambedu, Chennai 107 to the petitioner.

For Petitioner :: Mr.M.Raja Sekhar

For Respondents :: Mr.P.Tamilmani

ORDER

This writ petition has been filed by Mr.P.Veeranna Sowcar challenging the impugned order dated 30.6.2015 passed by the second respondent-Chief Executive Officer, Chennai Metropolitan Development Authority, in and by which the petitioner's allotment has been cancelled, on the ground that the petitioner has not paid the balance amount on or before 21.10.2013.

2. According to the learned counsel for the petitioner, the petitioner was allotted a shop having an extent of 300 sq.ft., in Koyambedu Food Grain Complex after accepting his application No.47

dated 24.06.2003 in the category of Non George Town Traders Class-I. When the total sale consideration of the shop being Rs.26,64,053/- as on 12.7.2013, the petitioner has paid a sum of Rs.14,40,411/- on various dates.

3. But the point for consideration is, when clause (e) of the terms and conditions of the allotment order shows that the petitioner has to make the balance 50% of the shop cost from the date of handing over the shop in 20 quarterly instalments with 15% interest per annum, admittedly as on today, the respondents have not come forward to make any allotment of shop, therefore, the time for making the balance 50% of the shop cost has not begun, as a result, the petitioner cannot be considered as a defaulter. However, the learned counsel for the petitioner submitted that the petitioner will clear the balance amount of Rs.11,74,358/- within one week from the date of receipt of a copy of this order.

4. Mr.P.Tamilmani, learned standing counsel taking notice for the respondents also submitted that as and when the petitioner clears the balance amount, the respondents will be allotting the shop to the petitioner.

5. Recording the submissions made by both the learned counsel for the petitioner and the respondents, this writ petition stands disposed of. Needless to mention that if the petitioner commits default, the impugned order will stand automatically revived. It is further made clear that the levy of penal interest cannot be put against the petitioner in this case. Consequently, M.P.Nos.1 & 2 of 2015 are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

ss

WEB COPY

To

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

2. The Chief Executive Officer
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore
Chennai 600 008.

1 cc to Mr.P. Tamilmani, Advocate Sr.39451

W.P.No.21380 of 2015

KSJ(CO)
EU 09.09.15



WEB COPY