

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.21381 of 2015 and
M.P.Nos.1 and 2 of 2015

P.Saraswathi

.. 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-8.

... Respondents

PRAYER : This Writ Petition under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call 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 Traders Type I in Koyambedu Wholesale Market Complex, Koyambedu, Chennai-107 to the petitioner.

For petitioner : Mr.M.Rajasekhar
For respondents: Mr.P.Tamilmani

O R D E R

This Writ Petition has been filed, challenging the impugned order dated 30.06.2015 passed by the 2nd respondent whereby the allotment of shop to 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 in favour of the petitioner has been cancelled on the ground that she is a defaulter.

2. Heard Mr.M.Raja Sekhar, learned Counsel for the petitioner and Mr.P.Tamilmani, learned Counsel appearing for the respondents 1 and 2.

3. It is the claim of the petitioner that a shop, having an extent of 300 sq.ft. lying in Koyambedu Food Grain Complex under Application No.319 dated 25.06.2003 in the category of Non George Town Traders Class I, was allotted to her on 12.07.2013 fixing a total sale consideration of Rs.26,64,053/-, calculating the entire area of 300 sq.ft. at the rate of Rs.7259/- per sq.ft. Out of the said amount, the petitioner claims to be paid Rs.14,29,424/- on various instalments. Therefore, indisputably, the petitioner has to make only the balance amount. However, the allotment states that the balance 50% of the cost of the shop will be collected after handing over the shop in 20 quarterly instalments with interest at 15% per annum. But, till date, the respondent has not allotted any shop to the petitioner, though they have paid Rs.14,29,424/- towards total sale consideration, therefore it is pleaded that there is no default from the petitioner's side.

4. The learned Counsel for the petitioner would further submit that even though the respondents have not come forward to allot a shop, the petitioner is prepared to make the balance sale consideration, within a period of two weeks from the date of receipt of a copy of this Order.

5. Recording the said statement made by the learned Counsel for the petitioner, the petitioner is directed to pay the balance sale consideration that would be quantified by the 2nd respondent within one week from the date of production of a copy of this Order. Thereafter, total cost of the shop would be paid within two weeks from the date of quantifying the amount. It is needless to mention that in the meantime, the respondents are directed to keep one shop vacant.

6. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

tsi

To

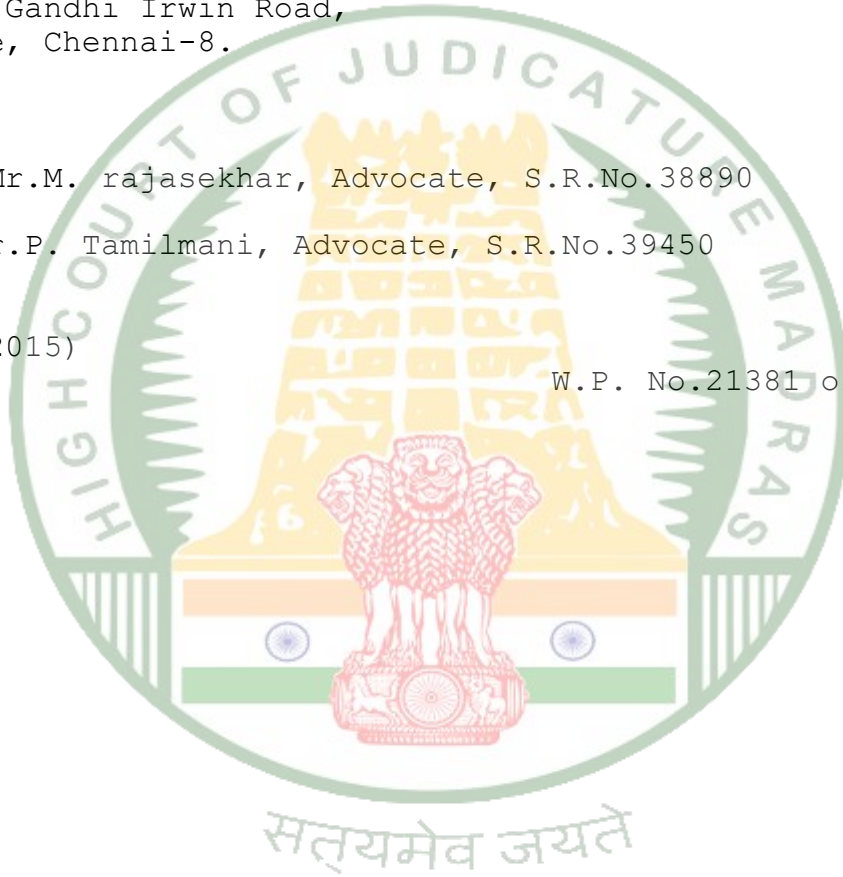
1. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
2. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-8.

+2ccs to Mr.M. rajasekhar, Advocate, S.R.No.38890

+1cc to Mr.P. Tamilmani, Advocate, S.R.No.39450

CA(CO)
EU(18/08/2015)

W.P. No.21381 of 2015



WEB COPY