

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2015

CORAM

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.21974 of 2015
and
M.P.Nos.1 and 2 of 2015

Chenna Srihari

.. Petitioner

Vs.

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

... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records from the file of the respondent made in Letter No.FGM/3314/13 dated 30.06.2015 and quash the same and further direct the respondent to allot the shop as per the allotment procedure in the Food Grain Market situate in Koyambedu Wholesale Market Complex, Koyambedu, Chennai - 600092.

For Petitioner

... Mr.Su.Srinivasan

For Respondent

... Mr.P.Tamilmani

ORDER

The petitioner contends that he was allotted a shop in the Food Grain Market situate in Koyambedu Wholesale Market Complex, Chennai, in July 2013. He paid 50% of the consideration on 20.08.2013 and the balance amount has been paid by him as per the schedule of the respondent and the last instalment was made on 16.09.2014. In spite of the fact that the petitioner paid the entire sale consideration as per the schedule, the allotment order was cancelled on 30.06.2015. Challenging the same, the petitioner is before this Court.

2. Heard Mr.Su.Srinivasan, learned counsel appearing for the petitioner and Mr.P.Tamilmani, learned counsel appearing for the respondent.

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 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

सत्यमेव जयते

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

To

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

+1 cc to M/s.Vanathi Srinivasan, Advocate, sr.528497
+1 cc to M/s.P.Tamilmani, Advocate, sr.53183

W.P.No.21974 of 2015

rsk co
kra 07/10

srg 6/11/2015



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