

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.22727 of 2015
and M.P.No.1 of 2015

Madhaviah

..

Petitioner

Vs

1.The Chief Executive Officer,
Chennai Metropolitan Development Authority,
1, Gandhi Irwin Salai,
Egmore, Chennai - 600 008.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
1, Gandhi Irwin Salai,
Egmore, Chennai - 600 008.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the 1st respondent in his proceedings in impugned order dated 30.06.2015 in No.FGM/3314/13, allotted in application No.609, Type-I Shop, under CCT category canceling the allotment of shop in favour of petitioner and quash the same.

For Petitioner : Mr.S.Suriyaprakash

For Respondents : Mr.C.Johnson
for Mr.P.Tamil Mani

ORDER

Heard Mr.S.Suriyaprakash, learned counsel appearing for the petitioner and Mr.C.Johnson, learned counsel appearing on behalf of Mr.P.Tamil Mani, learned counsel on record for the respondents/CMDA and with their consent, this writ petition is taken up for final disposal.

2. The petitioner has challenged the order dated 30.06.2015, in and by which, the allotment made in his favour, alleging that the Shop at Koyambedu Wholesale Market for sale of food grains has been cancelled, on the ground that he has not remitted the costs payable by him for such allotment.

3. The memo of calculation given by the respondent/CMDA shows that the total demand payable by the petitioner was Rs.22,97,951/- , out of which, the petitioner has paid Rs.17,68,951/- and the balance is only Rs.5,29,000/- . It has to be pointed out that, in the impugned order, no details have been furnished, as to how much is the default committed, and it appears that a common cyclostyle is prepared for several such allottees, and only the shop number and allotment number has to be filled up. Thus, the impugned order is vitiated on the ground of non-application of mind, apart from having been passed against the principles of natural justice. Hence, the impugned order is liable to be set aside.

4. Accordingly, the Writ Petition is allowed, impugned order is set aside and the petitioner has to remit the balance amount of Rs.5,29,000/-, within a period of six weeks from the date of receipt of a copy of this order, failing which, it is open to the 1st respondent to proceed against the petitioner in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

ds

1.The Chief Executive Officer,
Chennai Metropolitan Development Authority,
1, Gandhi Irwin Salai,
Egmore, Chennai - 600 008.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
1, Gandhi Irwin Salai,
Egmore, Chennai - 600 008.

+1 cc to Mr.C.Johnson, Advocate, sr.64975

+1 cc to Mr.P.Tamilmani, Advocate, sr.64477

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ca co
kra 11.12.2015