

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2015

CORAM

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.23236 of 2015

and

M.P.No.1 of 2015

S.Karthikeyan

.. Petitioner

Vs.

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

.. Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records pertaining to the order passed by respondent in No.FGM/3314/13 dt. 30.06.2015 and quash the same and also directing the respondent to consider the petitioner's representation dated 20.07.2015 in respect of allotment of shop under Application No.589, dated 14.07.2003 of the petitioner within a time frame.

For Petitioner

.. Mr.N.K.Suresh Kumar

For Respondent

.. Mr.P.Tamilmani

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ORDER

The petitioner contends that he was allotted a shop in the Wholesale Food Grain Market Complex at Koyambedu Market, Chennai, in July 2013 and he paid the entire consideration as per the schedule of the respondent. In spite of the fact, the petitioner paid the entire sale consideration, the allotment order was cancelled on 30.06.2015. 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 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 Petition is closed.

Post the matter for reporting compliance on 15.10.2015.

asvm
29.09.2015

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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 29/09/2015 and made herein in the presence of the above said Advocates the Court made the following order.

When the matter is taken up 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 necessary.

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.

Copy to:
The Section Officer/Posting Clerk,
Writ Section,
High Court, Madras 104.

W.P.No.23236 of 2015
and
M.P.No.1 of 2015

rsk co
kra 07/10

JD 06/11/2015

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