

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 23356 of 2015

&

M.P. Nos. 1 & 2 of 2015

K. Dilly Babu

..Petitioner

Vs.

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

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

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in his proceedings in impugned order dated 30.06.2015 in Letter No. FGM/3314/13 allotted in application No. 226, Type I Shop under CCT category cancelling the allotment of shop in favour of the petitioner and quash the same.

For Petitioner :: Mr.S. Suriyaprakash

For Respondents:: Mr.P. Tamilmani

O R D E R

This writ petition is filed challenging the order dated 30.06.2015 under reference Letter No. FGM/3314/13 issued by the 1st respondent cancelling the allotment of shop in favour of the petitioner.

2. The petitioner was allotted a shop in Koyambedu Wholesale Food Grain Market Complex on 12.07.2013 and he had paid the entire sale consideration as fixed by the respondents. However, by the impugned order dated 30.06.2015, the allotment

made in favour of the petitioner was cancelled on the ground that the balance amount was not paid within time. Challenging the said order, the petitioner has come before this Court.

3. In similar circumstances, in W.P. No. 21169 of 2015, in respect of one Rajmohan, this Court, following the order dated 29.07.2015 passed in W.P. No. 22742 of 2015, allowed the writ petition by order dated 29.09.2015 and the relevant paragraphs are extracted hereunder:

"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 & 3 of the above 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 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 2015 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.

4. In the light of the order dated 29.09.2015 passed by this Court in connected writ petition, namely, W.P. No. 21169 of 2015, the impugned order is set aside and the respondents are directed to allot a 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.

Sd/-
Assistant Registrar (CS-VII)

True Copy

Sub Assistant Registrar

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To

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

+ 1 cc to Mr.P. Tamil Mani, Advocate Sr.57075

W.P. No. 23356 of 2015

KGK(CO)
Eu 5.11.15

सत्यमेव जयते

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