

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 23933 of 2015

&

M.P. Nos. 2 & 3 of 2015

A. Augustine

..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 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 2nd respondent and quash the impugned order daed 30.06.2015 under reference Letter No. FGM/3314/13 and directing the respondents to allot the 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 to the petitioner.

For Petitioner :: Mr.M. Rajasekhar

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 2nd respondent and to direct the respondents to allot the 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 to the petitioner.

2. The petitioner was allotted a shop in the Koyambedu Food Grain 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

nv

To

1. 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 600 008.

+ 1 cc to Mr.M. Raja Sekhar, Advocate Sr.57007
+ 1 cc to MR.P. Tamil Mani, Advocate Sr.57071

W.P. No. 23933 of 2015

KGK(CO)
EU 5.11.15

सत्यमेव जयते

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