

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.6536 of 2016

S.Amutha

... Petitioner

vs.

The Member-Secretary and
Chief Executive Officer, i/c
Chennai Metropolitan Development
Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-8.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to consider and dispose of the representation of the petitioner dated 12.1.2016 by offering personal enquiry to the petitioner.

For Petitioner : Mr.M.Rajasekhar

For Respondent : Mr.M.Karthikeyan

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondent to consider and dispose of her representation dated 12.1.2016 by offering personal enquiry to her.

3. It is the case of the petitioner that she has been allotted a plot of MIG in Block No.10, Plot No.3 at M.M.Nagar, measuring to an extent of 2000 sq.ft. The cost of the said plot

works out to Rs.13,18,000/-. As per the allotment order, 20% of the cost of the plot has to be paid within 30 days from the date of receipt of the allotment order. The petitioner received the allotment order on 22.5.2014 and she paid a sum of Rs.2,63,600/- being the 20% of the cost of the plot within the time stipulated. Thereafter, the respondent has given an option to avail loan from Canara Bank, Park Town Branch, HDFC, Chennai, for making the remaining 80% of the cost of the plot by entering into a tripartite agreement or the lump sum payment would be accepted by the respondent for the remaining 80% of the cost within 90 days from the date of receipt of the allotment order. The petitioner approached the Federal Bank for Tripartite agreement and they have also confirmed the same. On 21.8.2014, the Federal Bank requested tripartite agreement from the respondent, but the respondent has not provided the same. Hence, she was unable to avail the tripartite agreement. Further, the surveyor of the bank has intimated that the allotted plot is fully covered with bushes and the same cannot be measured. Therefore, she requested the respondent not to penalize her for non-payment of the remaining 80% of the cost of the plot within the time prescribed. Thereafter, on 11.11.2014, she has paid a sum of Rs.12,58,000/- by way of demand draft to the respondent and on 27.1.2015, she paid a sum of Rs.14,035/- as the balance cost towards the excess area of the plot. In spite of that, the respondent issued a show cause notice on 30.12.2015 calling upon her to pay a sum of Rs.1,10,006/- with penal interest as on 31.1.2016 towards the cost of the plot. On 12.1.2016, the petitioner has given her explanation to the said show cause. However, till date, the respondent has not passed any orders. In this regard, the petitioner sent a representation dated 12.1.2016 to the respondent. But, till date, the said representation has not been considered. Hence, the petitioner has come up with the present writ petition seeking a direction to the respondent to consider and dispose of her representation dated 12.1.2016 by offering personal enquiry to her.

4. I have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the respondent to consider the representation of the petitioner dated 12.1.2016 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with

regard to the claim made by the petitioner and it is for the respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

The Member-Secretary and
Chief Executive Officer, i/c
Chennai Metropolitan Development
Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-8.

+1cc to Mr.M.Rajasekhar, Advocate sr.11260

W.P.No.6536 of 2016

kgk(CO)
srg(16/03/2016)

सत्यमेव जयते

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