

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8284 of 2004
and
W.M.P.No.9742 of 2004

A.Vittal Nathan

... Petitioner

Vs.

1. The Chairman,
Chennai Metropolitan Development
Authority 1,
Gandhi Irwin Road,
Chennai -6.

2. The Senior Estate Officer,
Special Project - K,
Chennai Metropolitan Development
Authority 1,
Gandhi Irwin Road,
Chennai -8

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India in the nature of Writ of certiorari to call for the records of the second respondent in his letter NO.K5/3680/2002 dated 08.03.2004 and quash the same.

For Petitioner : No appearance

For Respondents : Mr.N.Sampath
Standing counsel for CMDA

O R D E R

Challenging the order of cancellation of allotment passed by the 2nd respondent in Letter NO.K5/3680/2002 dated 08.03.2004, the present writ petition has been filed.

2. The brief facts of the case are as follows:

The petitioner was allotted a shop in Perishable Fruit Market, Phase-II, in Block No.F, Shop No.5, to an extent of

173.02 sq.ft. Initial payment of Rs.1,04,103/- was paid to the respondent and after receipt of the said sum, the respondent had executed a lease cum sale agreement in favour of the petitioner. Though the allotment order was made on 16.07.2001, the shop was handed over to the petitioner on 29.01.2003. Since the business not flourished, the petitioner, was not able to pay the monthly instalments. Because of defaulting the monthly instalments, the respondent issued a cancellation order dated 08.03.2004.

3. Though no one appeared on behalf of the petitioner, the counsel for the respondent produced a letter dated 06.08.2004, wherein it has been stated that the petitioner had surrendered the shop and requested the department to refund the amount.

4. The learned counsel appearing for the respondent submits that the amount paid by the petitioner was also refunded to the petitioner.

5. In view of the submission made by the respondent, nothing survives in this writ petition for adjudication and this petition has become infructuous.

6. Accordingly, this writ petition is dismissed as infructuous. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

mrp

To

1. The Chairman,
Chennai Metropolitan Development
Authority 1,
Gandhi Irwin Road,
Chennai -6.

WEB COPY

2. The Senior Estate Officer,
Special Project - K,
Chennai Metropolitan Development
Authority 1,
Gandhi Irwin Road, Chennai -8

+1cc to Mr.Sampath, Advocate Sr. 50395

W.P.No.8284 of 2004

MG(CO)
VR(01/11/2017)



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