

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.24577 of 2010, 40057 and 40058 of 2016
and WMP.No.34101 and 34102 of 2016

K.Ramanjaneyulu

Proprietor,

K.Ramanjaneyulu Transport

...Petitioner in all the
writ petitions

Vs.

1. The Member Secretary,

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.

...Respondents in all the
writ petitions

PRAYER in W.P.No.24577 of 2010: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records in the proceedings in letter dated 27.09.2010 vide letter No.M1/1049/2001 passed in the said proceedings by the second respondent herein and to quash the same.

PRAYER in W.P.No.40057 of 2016: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records in the proceedings in letter dated 18.10.2016, vide letter No.M1/1049/2001 passed in the said proceedings by the second respondent herein and to quash the same.

PRAYER in W.P.No.40058 of 2016: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records in the proceedings in letter dated 23.03.2011 vide letter No.M1/1049/2001 passed in the said proceedings by the second respondent herein and to quash the same.

For Petitioner : Mr.Baskar
(in all W.Ps.) for M/s.Kumar and Baskar
For Respondent : Mr.N.Sampath
(in all W.Ps.)

C O M M O N O R D E R

The petitioner has come up with the Writ Petition in W.P.No.24577 of 2010, challenging the cancellation of allotment order, dated 27.09.2010, vide letter No.M1/1049/2001.

2. The prayer in W.P.No.40057 of 2016, is to quash the order of the 2nd respondent dated 18.10.2016, rejecting the request of the petitioner for re-allotment of the plot and the plot was brought into vacant list.

3. W.P.No.40058 of 2016 has been filed challenging the order of the 2nd respondent, dated 23.03.2011, by which, the allotment of the plot to the petitioner was second time cancelled, for failing to comply with the order passed in W.P.No.24577 of 2010.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

5. The undisputed facts are that the petitioner was allotted a plot No.F-6 in Madhavaram Bus & Truck Terminal Complex on 28.01.2000 to an extent of 613.38 sq.mt. at total cost of Rs.14,58,618/-. The petitioner has deposited a sum of Rs.3,64,742/-, being 25% of the total amount. Due to his failure to pay the balance instalment, the allotment was cancelled, by letter dated 27.09.2010.

6. The petitioner filed W.P.No.24577 of 2010, challenging the cancellation order, dated 27.09.2010. This Court by an order dated 23.12.2010 in M.P.Nos.1 and 2 of 2010 in W.P.No.24577 of 2010, directed the petitioner to pay 50% of the cost. It is not in dispute that the petitioner failed to comply the order and hence, for the second time, allotment was cancelled on 23.03.2011. It seems that the petitioner has paid a sum of Rs.1,00,000/- on 10.06.2011.

7. In the counter affidavit filed by the 1st respondent, it is stated that the petitioner was a chronic defaulter in payment of amount, hence the petitioner's request to pay the arrears with interest was rejected.

8. The learned counsel for the petitioner submitted that the petitioner had paid substantial amount and he is ready to pay the balance amount, provided the respondent waives the penal interest.

9. In the instant case, the allotment was made on 28.01.2010. Admittedly, the petitioner paid 25% of the cost in time, but subsequently, he failed to pay the instalments along with interest and also not complied the order of this Court. A perusal of the allotment order reveals that the instalments are to be paid with interest, but contrary to the condition, the petitioner seeks waiver of interest.

10. In the light of the above facts, I do not find any merit in these writ petitions. In that view, the Writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-iv)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Member Secretary,
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.

+3cc to Mr.kumar Advocate, S.R.No. 16954, 16953 & 16952

+3cc to Mr.N.SAMPATH, Advocate, S.R.No.17073, 17072 & 17074

WP.No.24577 of 2010, 40057 and 40058 of 2016

SVI (CO)
TR(03/04/2018)