

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2019

CORAM:

THE HONORABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.27567 of 2019

S.Gowri

.. Petitioner

/versus/

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Nateshan Maligai,
Gandhi Irwin Road,
Egmore, Chennai 600 008.

2.The Chief Executive Officer,
Chennai Metropolitan Development Authority,
Nateshan Maligai,
Gandhi Irwin Road,
Egmore, Chennai 600 008.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to return the amount of sale consideration along with interest relating to the allotment of shop No.E-68 in fruit market phase-II, Koyambedu Whole Sale Market Complex dated 12.11.2009 for sum of Rs.5,45,393/- on par with the order made in W.A.No.1779 of 2013 etc., dated 15.12.2014 to the petitioner.

For Petitioner :Mr.D.Veerasekaran

For Respondents :Mr.S.Thiruvengadam,
Standing counsel for CMDA
1 and 2

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O R D E R

By consent, the writ petition is taken for final disposal at the admission stage itself.

2. Heard Mr.D.Veerasekaran, learned counsel appearing for the petitioner and Mr.S.Thiruvengadam, learned standing counsel, who takes notice for the respondents 1 and 2.

3. The prayer in the writ petition is to issue a Writ of Mandamus directing the respondents to return the amount of sale consideration along with interest relating to the allotment of shop No.E-68 in fruit market phase-II, Koyambedu Whole Sale Market Complex dated 12.11.2009 for sum of Rs.5,45,393/- on par with the order made in W.A.No.1779 of 2013 etc., dated 15.12.2014 to the petitioner.

4. The case of the petitioner is that she has paid a sum of Rs.5,45,393/-, which was the sale consideration of shop allotted to her. However, pursuant to the order of the High Court, the allotment has been cancelled, but till date, the sale consideration paid by the petitioner has not been refunded by the respondents/CMDA. Hence, a representation has been given to the respondents by the petitioner herein to return the sale amount paid along with the interest.

5. From the submissions of the learned standing counsel appearing for the respondents, this Court understands that the representation of the petitioner is under active consideration and the money will be refunded with interest positively, as expeditiously as possible.

6. Recording the same, the writ petition is disposed of with a direction to the respondents to consider the representation of the petitioner dated 30.08.2019 and refund the money with interest, within a period of 12 weeks from today. No costs.

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Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Nateshan Maligai,
Gandhi Irwin Road,
Egmore, Chennai 600 008.

2.The Chief Executive Officer,
Chennai Metropolitan Development Authority,
Nateshan Maligai, Gandhi Irwin Road,
Egmore, Chennai 600 008.

+1cc to Mr.D.Veerasekaran, Advocate, SR.No.79815
+1cc to Mr.S.Thirvengadam, Advocate, SR.No.80000

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Kak(24/10/2019)



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