

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.23555 of 2013 and M.P.Nos 1 and 2 of 2013,
W.P.No.22431 of 2013 and W.P.No.8608 of 2013,
and M.P.No.1 and 2 of 2013 and
W.P.No.23993 of 2012 and M.P.No.2 of 2012

&

W.P.No.37306 of 2015 and M.P.Nos.1 and 2 of 2015

V.Dheenan ... Petitioner in W.P.No.23555 of 2013
N.Munusamy ... Petitioner in W.P.No.22431 of 2013
A.Jeyaraj ... Petitioner in W.P.No.8608 of 2013
M.Dhandapani ... Petitioner in W.P.No.23993 of 2012
A.N.Valliappan ... Petitioner in W.P.No.37306 of 2015

.Vs.

Chennai Metropolitan Development Authority,
Rep. by its Chief Executive Officer,
No.1, Gandhi-Irwin Road,
Egmore, Chennai 600 008

... Respondent in W.P.Nos.
23555, 22431, 8608/2013 and
W.P.No.239993 of 2012
and the 2nd respondent in
W.P.No.37306 of 2015

The Secretary to Government,
Government of Tamilnadu,
Ministry of Housing and Urban Development,
St. George Fort, Secretariat,
Chennai - 9.

... 1st Respondent in
W.P.No.37306 of 2015

Prayer in W.P.No.23555 of 2013: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus, calling for the records of the respondent under notice of demand, vide letter No.AL5/2408/13 dated 29.05.2013 and the consequential letter No.AL2/1583/2013 dated 03.07.2013 of the respondent as affixed in the notice board of Manali New Town Residents Welfare Association, relating to the cancellation and re-allotment of petitioner's property bearing Plot No.129/2 MIG-RBH Twin House Manali New Town,

Chennai 103 to quash the same and consequently direct the respondent to receive the balance sale consideration if any as per the original letter of allotment dated 14.06.1984 together with applicable interest or penal interest in consonance with law, to execute the sale deed and to forbear them from interfering with the petitioner's peaceful possession of the petitioner's subject plot referred above until execution of the sale deed.

Prayer in W.P.No.22431 of 2013: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in their letter No.AL5/4465/80 dated 30.11.2010 relating to cancellation and re-allotment of the plot No.127/17, MIG RBH, Manali New Town, Chennai - 103, on the basis of Market Value as of 2010-11 at Rs.9,07,729/- and consequential notice of demand vide letter No.AL2/1583/2013 dated 03.07.2013 affixed in the notice Board of Manali New Town Residents Welfare Association and quash the same and direct the respondent to receive the balance sale consideration if any as per the original letter of allotment dated 14.06.84 vide Allotment Order No.AL2/1448/80 with all applicable interests including penal interest in accordance with law and execute the sale deed in favour of the petitioner and forbear them from interfering with the petitioner's peaceful possession of the above said plot till such execution.

Prayer in W.P.No.8608 of 2013: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in their letter No.AL.6/10364 of 2010 dated 23.11.2010 relating to cancellation and re-allotment of the plot No.EWS 67C/6, Manali New Town, Chennai - 103, on the basis of Market Value as of 2010-11 at Rs.2,60,171/- and quash the same and direct the respondent to receive the balance sale consideration as per the original letter of allotment dated 17.05.1988 with all applicable interest of penal interest in accordance with law and execute the sale deed in favour of the petitioner herein and forbear the respondent from in any way interfering with the petitioner's peaceful possession and enjoyment of the above said plot till such execution.

Prayer in W.P.No.23993 of 2012: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in their letter No.AL.6/12006 of 1987 dated 23.11.2010 relating to cancellation and re-allotment of the plot No.EWS 74-C/71, Manali New Town, Chennai - 103, on the basis of Market Value as of 2010-11 at Rs.2,47,990/- and quash the same and direct the respondent to receive the balance sale

consideration as per the original letter of allotment dated 17.05.1988 with all applicable interest of penal interest in accordance with law and execute the sale deed in favour of the petitioner herein and forbear them from interfering with the petitioner's peaceful possession of the above said plot till such execution.

Prayer in W.P.No.37306 of 2015: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire record relating to cancellation of allotment order of Plot No.8 LIG-II Block No.48 in proceeding Letter No.AL6/9407/93 dated 24.11.2010 by the 2nd Respondent herein as per agreement between the petitioner and 2nd Respondent and quash the same and consequently direct the 2nd respondent to execute sale deed in favour of the petitioner herein.

In W.P.No.23555 & 22431 of 2013

For Petitioner : Mr.D.S.Rajasekaran
For Respondent : Mr.P.S.Ganesh

In W.P.No.8608 of 2013

For Petitioner : Mr.D.S.Rajasekaran
For Respondent : Mr.Tamil Mani

In W.P.No.23993 of 2012

For Petitioner : Mr.D.S.Rajasekaran
For Respondent : Mr.Tamil Mani

In W.P.No.37306 of 2015

For Petitioner : Mr.Sankaranarayana Pandian
For Respondent 1 : Mr.V.Shanmugasundar
Special Government Pleader
For Respondent 2 : Ms.Veena Suresh

COMMON ORDER

These writ petitions are heard through Videoconferencing, on account of the COVID-19 pandemic situation.

2. The above writ petitions have been filed challenging the cancellation and re-allotment order of the plots and for consequential directions.

3. After hearing the learned counsels for sometime on 27.07.2020, a common order was passed, which reads as follows :

"After hearing the learned counsels for some time, the learned counsel appearing for CMDA is directed to file a memo of calculation in two different modes. One in the event of default, if

interest and penal interest are leviable, what would be the amount payable by the petitioners. The second mode is what would be the amount payable by the very same petitioners based on the revised valuation of the property. The said memo of calculation may be circulated to the learned counsel for the petitioners in advance."

4. Thus, in the said order, the parties were directed to file a calculation memo with the waiver of penal interest or whether the petitioners were willing to pay the revised valuation of the property. The representations of the petitioners in this regard have been given to the counsel, who in turn, had reached it to the respondents-office.

5. The learned counsel for the C.M.D.A. (Chennai Metropolitan Development Authority) would submit that the request of the petitioners cannot be considered in piecemeal by the officer alone, but, it has to be placed before the Authority for Resolution in a meeting, normally headed by the Hon'ble Minister incharge for Housing and Urban Development Department.

6. The respondents are directed to place the representations of the petitioners before the said Authority for consideration in the next meeting that may be convened.

7. In the meanwhile, the Chief Planner of C.M.D.A. may take appropriate information from the petitioners also in this regard to put forth the same in the meeting. Merely because the date for convening of the meeting is not known today, the authority shall not defer the same sine die, but to consider the same in the very next meeting.

8. With the above directions, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

9. Till such time, the orders impugned in these writ petitions shall be kept in abeyance.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

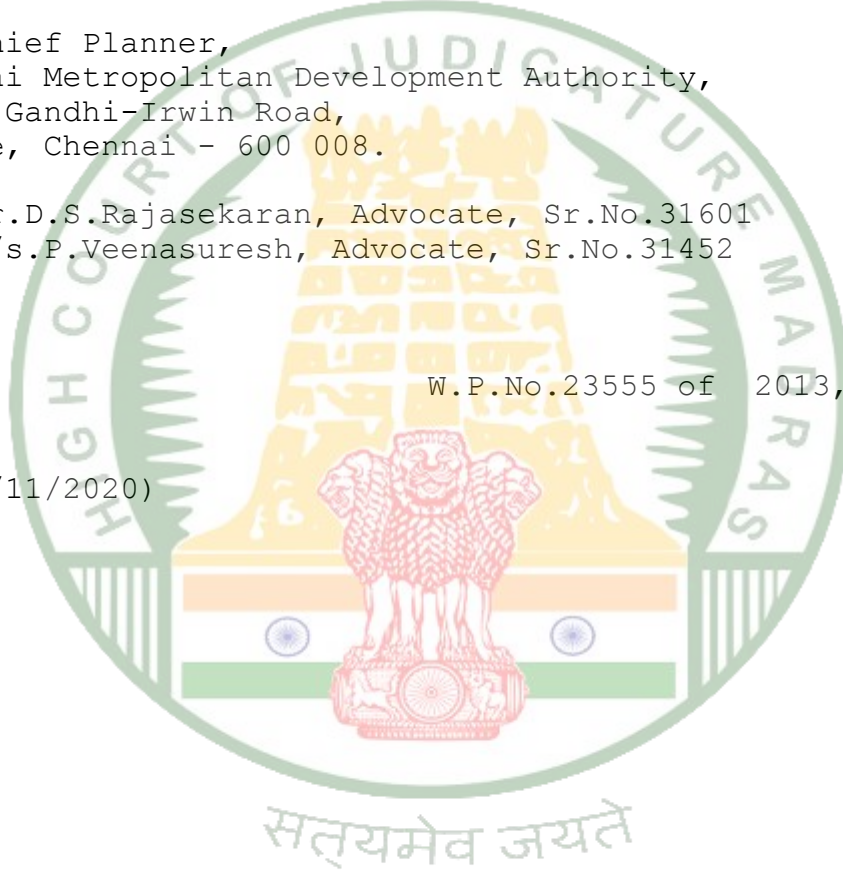
To

1. The Secretary to Government,
Government of Tamilnadu,
Ministry of Housing and Urban Development,
St. George Fort, Secretariat,
Chennai - 600 009.
2. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
No.1, Gandhi-Irwin Road,
Egmore, Chennai - 600 008.
3. The Chief Planner,
Chennai Metropolitan Development Authority,
No.1, Gandhi-Irwin Road,
Egmore, Chennai - 600 008.

+2cc to Mr.D.S.Rajasekaran, Advocate, Sr.No.31601
+1cc to M/s.P.Veenasuresh, Advocate, Sr.No.31452

W.P.No.23555 of 2013, etc. batch

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