



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.29692 to 29694 of 2013
and M.P.No. 1 to 1 of 2013

- | | |
|-------------------|----------------------------------|
| 1. Raji | ... Petitioner in WP No.29692/13 |
| 2. L.Vijayalashmi | ... Petitioner in WP No.29693/13 |
| 3. E.Venkatesan | ... Petitioner in WP No.29694/13 |

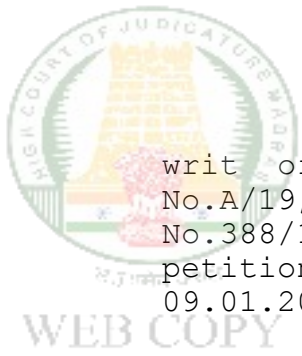
Vs

- | | |
|---|-----------------------------|
| 1.Chennai Metropolitan Development Authority,
Rep. By its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008. | |
| 2.Chief Executive Officer,
Chennai Metropolitan Development Authority,
Rep. By its Chairman
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008. | ... Respondents in all WPs. |

PRAYER in WP No.29692 of 2013 : Writ Petition filed Under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to allot plot No.A/18, in Maraimalai Nagar, NH-2 (extension) in Survey No.388/1, of Ninnakarai Village, M.M.Nagar, New Town to the petitioner based upon the representation of the petitioner dated 09.01.2013.

PRAYER in WP No.29693 of 2013 : Writ Petition filed Under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to allot plot No.3A/4, in Maraimalai Nagar, NH-2 (extension) in Survey No.388/1, of Ninnakarai Village, M.M.Nagar, New Town to the petitioner based upon the representation of the petitioner dated 04.04.2013.

PRAYER in WP No.29694 of 2013 : Writ Petition filed Under Article 226 of the Constitution of India, praying to issue a



writ of Mandamus, directing the respondents to allot plot No.A/19, in Maraimalai Nagar, NH-2 (extension) in Survey No.388/1, of Ninnakarai Village, M.M.Nagar, New Town to the petitioner based upon the representation of the petitioner dated 09.01.2013.

For Petitioner : Mr.M.Raja Sekhar
in all WPs.

For Respondents : Mrs.Malarvizhi Udayakumar
in all WPs.

C O M M O N O R D E R

The relief sought for in these writ petitions is to direct the respondents to allot plot Nos.A/18, 3A/4 and A/19, respectively in Maraimalai Nagar, NH-2 (extension) in Survey No.388/1, of Ninnakarai Village, M.M.Nagar, New Town to the petitioners based upon the representations of the petitioners dated 09.01.2013, 04.04.2013 and 09.01.2013, respectively.

2. The representations submitted by the petitioners reveal that the petitioners approached the authorities and the plots originally allotted to the petitioners were not to the satisfaction of the petitioners as there were certain issues. Thus, the petitioners made a request to allot any other plots in the layout.

3. The allotment of plot is to be made strictly in accordance with the scheme formulated and by following the terms and conditions. The learned counsel for the respondents state that the petitioners were defaulters in payment of land cost as per the terms and conditions of allotment. The counter filed by the CMDA also reveals that the petitioners have remitted few monthly instalments only within the prescribed time limit. Thus, the petitioners are liable to pay interest as per the terms and conditions of allotment.

4. This being the factum established, either the petitioners have to pay the land cost along with the interest as per the terms and conditions of allotment and get their allotment confirmed by the authorities competent or they are at liberty to surrender the allotment as per the terms and conditions and get back the payment already made.

5. Contrarily, High Court cannot issue any direction to the respondents to allot a particular plot in favour of the writ petitioners. In the event of issuing any such direction for allotment in favour of the writ petitioners, the same will



create a bad precedent and it will infringe the rights of the other allottees, who had already submitted application for allotment under the scheme. It is needless to state that all allotments are to be made strictly in accordance with the rules and in the event of violation, the person aggrieved may approach the competent authority or the Court of law for redressal. Contrarily, the petitioners cannot seek a direction for allotment of a particular plot.

6. In this view of the matter, the petitioners are at liberty to settle the issues before the authorities by paying the land costs or surrender the plot as per their choice.

7. With these observations, the writ petitions stand disposed of. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2.The Chairman,
Chief Executive Officer,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

+1cc to M/s.M.Raja Sekhar, Advocate Sr No.54992

W.P.Nos.29692 to 29694 of 2013

RR (CO)
PR (18/11/2021)