



W.A.Nos.1691, 1688 & 1735 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.A.Nos.1691, 1688 & 1735 of 2021

K.Ramanjaneyalu

.. Appellant in
all W.As.

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 W.As.

Prayer: Appeals filed under Clause 15 of the Letters Patent against the
common order 06.03.2018 in W.P.Nos.40057 of 2016, 24577 of 2010
and 40058 of 2016.



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For the Appellant : Mr.N.Kumar Rajan

For the Respondents : Ms.P.Veena Suresh

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.N.Kumar Rajan, learned counsel for the appellant and Ms.P.Veena Suresh, learned counsel for the respondents.

2. The appellant assails the order of the learned Single Judge dismissing the writ petitions.

3. Learned counsel for the appellant submits that the appellant had filed the writ petitions challenging the communication of the respondents cancelling the allotment to the appellant, rejecting the request of the appellant for re-allotment of the plot and second time cancelling the allotment to the appellant.



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4. Learned counsel for the appellant submits that the appellant, because of ill health, could not pay the amount. The appellant was allotted the writ land for the purpose of parking trucks. The appellant had paid 25% of the amount. But, the remaining amount could not be paid as the appellant was not well. The respondents were thereafter demanding huge interest which the appellant was not required to pay.

5. Learned counsel for the appellant submits that the appellant is ready to pay the amount along with interest also. The respondents are not ready to accept the same. The plot is not yet auctioned. It is lying vacant. There is no impediment for the respondents to allot the said plot to the appellant by charging interest.

6. Whether the said plot is to be allotted to the appellant, even after the default is committed and allotment is cancelled, is the choice of the respondents.



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7. The appellant was allotted the writ plot way back in the year 2000. The consideration required to be paid by the appellant is Rs.14,58,618/-. The appellant did not deposit the entire amount for a long time. The appellant had only deposited a sum of Rs.3,64,742/- on 17.04.2000. Thereafter, around 10 to 12 notices were issued by the respondents to the appellant, but to no avail. In the year 2010 also, an opportunity was given to the appellant to pay the amount with interest, namely Rs.34,21,278/-. The appellant objected to the payment of interest and raised the defence of respondents not making arrangement to have 60 feet road in the layout and thereafter, came with a plea that he is only ready to pay the arrears amount of Rs.14,62,950/-.

8. The correspondence on record and the stand of the present appellant would indicate that the appellant was not ready and willing to perform his part of the promise. The learned Single Judge has not committed any error in rejecting the petition.



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9. The appeals, as such, are dismissed. There will be no order as to costs. Consequently, CMP Nos.10782, 10773 and 10875 of 2021 are also dismissed.

(S.V.G., CJ.)

(P.D.A., J.)

20.06.2023

Index : Yes/No

Neutral Citation : Yes/No

kpl

To

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