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W.P.No.5802 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.5802 of 2009
and M.P.No.1 of 2009

Sulthan Dulkkarunai

... Petitioner

Vs.

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

... Respondent

Prayer: 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 his letter No.S1/439/2009 dated 11.03.2009 and quash the same and to direct the respondent to direct the respondent to refix the cost of the land in the light of the judgment of this Court in A.S.No.461 and 462 of 2000 dated 29.11.2007.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mrs.P.Veena Suresh
Standing Counsel



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ORDER

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This writ petition has been filed for challenging the notice issued by the respondent dated 11.03.2009, thereby directed the petitioner to settle the balance amount in order to revoke the cancellation of allotment order, in respect of the plot No.C.199 on or before 31.03.2009.

2. The petitioner was allotted plot No.199, C type in wholesale iron and steel market at Sathangadu, on payment of Rs.52,800/- as first installment. Thereafter, the respondent executed a lease cum sale agreement on 27.03.1991. However, the petitioner failed to pay the remaining amount for the allotment of the said plot. Therefore, the respondent by an order dated 23.06.1992 cancelled the said allotment in favour of the petitioner. Aggrieved by the same, the petitioner filed a writ petition in W.P.No.21233 of 1992 and the same was dismissed as withdrawn by an order dated 30.12.1992. Thereafter, the respondent issued the present notice thereby giving an opportunity to the petitioner to revoke the cancellation order. Challenging the said notice, the petitioner filed the present writ petition.

3. The learned Standing Counsel appearing for the respondent



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on instruction submitted that as directed by the respondent, the petitioner did not pay any single pisa in order to revoke the cancellation order.

4. Considering the above submission, this Court finds no infirmity or illegality in the notice issued by the respondent and the writ petition is devoid of merits and liable to be dismissed. However, the petitioner is entitled for the amount which was already deposited before the respondent. The respondent is directed to refund the amount which was deposited by the petitioner in respect of the plot No.199, after deducting 10% of the amount, as administrative charges, along with interest at the rate of 6% per annum, within a period of four weeks from the date of receipt of a copy of this Order.

5. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

12.08.2024

Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
rts

G.K.ILANTHIRAIYAN. J.

rts



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To

The Chief Executive Officer,
Chennai Metropolitan
Development Authority,
No.1, Gandhi – Irwin Road,
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