



WEB COPY



W.P.No.20583 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

**W.P.No.20583 of 2024 and
W.M.P. No.22526 of 2024**

A.P.Veeramani

... Petitioner

Vs.

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

2.Senior Estate Officer (K) (i/c),
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai - 600 008.

... Respondents

PRAAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in his letter No.K4/136/2010 dated 10.04.2024 and to quash the same and further direct the first respondent to calculate the cost of the additional extent of 35.93 sq.ft. in shop No.L-50 as per clause 3(c) of the terms and conditions of the application issued by the respondent and as per the communication of the first respondent in letter No.K4/136/2010 dated nil.08.2019 of the first respondent and quash the same.

For Petitioner : Mr.M.Rajasekhar
For Respondents : Mr.Akhil Akbar Ali,



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Standing Counsel

ORDER

This writ petition has been filed, challenging the order passed by the second respondent whereby directed the petitioner to remit a sum of Rs.12,36,731/- on or before 30.04.2024 for the shop allotted in favour of the petitioner.

2. The petitioner originally was allotted shop no.VNG-8 measuring an extent of 149.67 sq.ft. in koyambedu Market, Chennai. As per the allotment order, the sq.ft. rate was fixed as Rs.1,250/- per sq.ft. for the total extent of 149.67 sq.ft. and the total cost was fixed at Rs.1,87,088/-. Accordingly, the petitioner had paid the entire amount along with application charges and other miscellaneous charges towards entire sale consideration. The petitioner also was issued registration certificate as per Section 20 of the Tamil Nadu Specified Commodities Market Act, 1996. The petitioner was issued licence for trade of running vegetable shop. While being so, the said shop was demolished by the second respondent particularly N - Block for the purpose of Metro Rail project.



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3. After completion of the said project, the second respondent constructed shops in which the petitioner was re-allotted shop No.L-50 and directed to pay installment and interest as per the revised cost for the excess area. Accordingly, the petitioner was directed to pay a sum of Rs.12,36,731/- for the excess area of the shop with interest.

4. Originally, the petitioner was allotted shop no.VNG-8 admeasuring 149.67 sq.ft.. Now the petitioner was allotted shop No.L50 to an extent of 185.60 sq.ft.. The excess extent of the shop is only 35.93 sq.ft. Instead the petitioner was directed to pay the amount for the excess area of 110.77 sq.ft...

5. On perusal of the counter filed by the respondents and also on the submission made by the learned standing counsel appearing for the respondents, it is revealed that originally the petitioner was allotted shop No. VNG-8 (Keerai) platform shop, admeasuring 149.67 sq.ft. for which amount was already paid by the petitioner. Now, it is converted into a new shop as shop No.L50 to an extent of 185.60 sq.ft. In so far as the new shop is concerned, the amount was collected with new rate fixed in the year 2017. However, there is no explanation for the calculation of excess area of 110 sq.ft. instead of 35.93 sq.ft.. That apart, the extent of the earlier shop which



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was allotted in favour of the petitioner has been taken into account only to an extent of 74.83 sq.ft. instead of 149.67 sq.ft.. After deducting 74.83 sq.ft. out of 185.60 sq.ft., 110.77 sq.ft. has been taken as excess area which is allotted in favour of the petitioner.

6. In view of the above, the order impugned cannot be sustained in so far as the calculation of excess area on 110.77 sq.ft. instead of 35.93 sq.ft.. In so far as the rate fixed for the excess area is concerned, this Court finds no infirmity and it remains in tact.

7. Accordingly, this writ petition is partly allowed. The respondents are directed to calculate the excess area of 35.93 sq.ft. only for the shop No.L50 and issue demand at the rate of Rs.6,215/- per sq.ft. for the year 2017-18 with applicable interest within a period of two weeks from the date of receipt of a copy of this order. No Costs. Consequently, the connected miscellaneous petition is closed.

18.10.2024

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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