

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.13637 of 2015

M.Baskar

.. Petitioner

-vs-

- 1.The Chief Secretary,
Fort St. George,
Chennai-9.
- 2.The Chairman,
CMDA,
1, Gandhi Irwin Road,
Chennai-8.
- 3.Vikram Kapoor, IAS,
CMDA,
1, Gandhi Irwin Road,
Chennai-8.
- 4.Parithi Elamvazhuthi,
CMDA,
1, Gandhi Irwin Road,
Chennai-8.
- 5.K.Anbazhagan,
Ex-Finance Minister,
Fort St. George,
Chennai-9.
- 6.Srinivasan,
19, Pattammal street,
RA Puram,
Chennai-28.
- 7.Vanathi,
19, Pattammal street,
RA Puram,
Chennai-28.

8.Karthikeyan,
2138, 12th Main Road,
Anna Nagar,
Chennai-40.

.. Respondents

Petition under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to scrap the Minister's quota allotment in all other schemes of CMDA such as Maraimalai Nagar, MBTT Nagar, CMBT, I & SM, Manali New Town etc., initiate criminal prosecution against the bribe-givers, bribe-takers and touts who reaped crores under the Minister's quota, identify the allottees who are non-traders, real-estate barons etc, and evict them from the KWMC market, after scrapping their allotments, frame a scheme to protect the interests of victims of corruption (such as the petitioner) under the so-called Minister's quota and initiate action against the PIL-petitioner and his counsel for misusing the epistolary jurisdiction of this Court and suppressing W.P.13265/04, etc, from its notice.

For Petitioner : Mr.Manikandan Vathan Chettiar
for
Mr.Mathankumar

For Respondents: Mr.STS.Moorthy
Government Pleader for R1
Mr.K.Rajasrinivas for R2

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner, one Mr.M.Baskar claims to be engaged in the vegetable trade. It may be noted that the issue of 15% Minister's Quota while allotting shops had come to the notice of this Court and ultimately, in those proceedings, all such allotments were cancelled by the order dated 15.12.2014. Review of that order was also dismissed.

2. The petitioner claims that under the Minister's Quota, shops were allotted to certain people and he admits that he had purchased one such shop bearing No.D-8 measuring 194 square feet from one P.Shanthi on 15.12.2010, though transfer was not permissible. The admitted position, thus, is that contrary to the terms of allotment of shops, the shop was purchased. Now, faced with the cancellation of all Ministerial Quota shops, the petitioner has filed the present writ petition styling it as Public Interest Litigation.

3. In the writ petition, respondent Nos.6 to 8 have been added as parties, as they represented as counsels the position contrary to the allotment of the Ministerial quota, which were cancelled.

The petitioner seeks to canvass the case that these people have not brought the full facts before this Court qua some other proceedings and the innocent buyer such as the petitioner is the sufferer in the bargain. Reference is also made to the fact that in view of the people like the petitioner, who claim to be gullible buyers, this Court should make an endeavour to rehabilitate them.

4. We have heard the learned counsel for the petitioner.

5. We find, this petition is really an abuse of process of Court styled as Public Interest Litigation. The predicament the petitioner finds himself in is a consequence of his own action. It is like a person buying knowingly a stolen property and then claiming that he does not know it so that he should not bear the consequences of that property being taken away. The petitioner would naturally have full knowledge that there cannot be any transfer of shop from the original allottee, whatever may be the methodology of having obtained the shop. The consequence, thus, is that when the allotment itself is cancelled, the petitioner is the consequential sufferer.

6. We are also pained to note the endeavour of the petitioner to rope in counsels who have canvassed the case against the quota as party respondents, which is only to embarrass them. We strongly deprecate this practice.

7. We do believe this is a case which needs to be buried with costs.

8. We, thus, dismiss the writ petition with costs quantified at Rs.50,000/- (Rupees Fifty Thousand only) to be deposited with the Mediation and Conciliation Centre, Madras High Court Campus, within a period of 15 days.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

1.The Chief Secretary,
Fort St. George,
Chennai-9.

2.The Chairman,
CMDA,
1, Gandhi Irwin Road,
Chennai-8.

3. The Secretary
Mediation and Conciliation Centre
Madras High Court, Campus

1 cc to Mr.R. Mathankumar, Advocate, Sr. 24795
1 cc to Mr.Su. Srinivasan, advocate, Sr. 24335
1 cc to Mr.K. Raja Shrinivas, Advocate, Sr. 24579
1 cc to Government Pleader, Sr. 24758

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