

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2015

C O R A M :

THE HONOURABLE **MR.SANJAY KISHAN KAUL, CHIEF JUSTICE**
AND
THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**

Rev.Aplw.Nos.4, 5, 15, 16, 18, 23 and 24 of 2015
and M.P.Nos.1,1,1,1 and 1 of 2015

in

Rev.Aplw.SR.Nos.38385, 38388, 38394 and 38397 of 2015

Rev.Aplw.No.4 of 2015:

P.Shanthi
No.4

... Petitioner/respondent

versus

1.K.Karthikeyan

2.The Member Secreatary
Chennai Metropolitan Development Authority
Gandhi Irwin Road, Egmore, Chennai.

3.The Chief Executive Officer
Chennai Metropolitan Development Authority
Gandhi Irwin Road, Egmore, Chennai.

4.Parithi Ellamvazhuthi

Minister for Information, Publicity, Town Planning
Urban Development and CMDA etc.,
Secretariat, Omandurar Government Estate
Chennai.

5. N.Palnisamy
6. Elumalai
7. N.Sundar
8. M.Khaja Bheer Mohammed
9. S.Jayanthi
- 10.S.Kathiravan
- 11.M.R.T.Abdul Rahman
- 12.S.Gowri
- 13.S.Gowri.
- 14.N.Thatchayani
- 15.S.Thyagarajan
- 16.I.Loganayagi Iruthayaraj.
- 17.T.Illayaraja
- 18.V.Ganesan
- 19.T.V.Raghu
- 20.Mariappan
- 21.M.Nedumaran
- 22.P.Mangaipagan
- 23.Po.Thangapandian
- 24.Padmanabhan
- 25.V.Suganthi
- 26.N.Nagendran
- 27.P.Pandiyarajan
- 28.S.K.P.Poongothai
- 29.Anandan

... Respondents

PRAYER : Application filed under Order 47 Rules 1 and 4 of CPC to

review the order passed in W.P.No.29197 of 2010, dated 15.12.2014, on the file of this Court.

For petitioner : Mr.M.Radhakrishnan in Rev.Appln.Nos.4 & 5 of 2015
: Mr.AR.L.Sundaresan,
Senior Counsel in Rev.Appln.No.15 of 2015.
for Ms.A.L.Gandhimathi
: Mr.M.K.Raja in Rev.Appln.No.16 of 2015
: Mr.P.Gurunathan in Rev.Appln.No.18 of 2015
: Mr.Richardson Wilson
in Rev.Appln.Nos.23 & 24 of 2015

For respondents : Mr.C.Johnson for RR.2 and 3.
Mr.Su.Srinivasan for R.1

COMMON ORDER

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

A review is sought along with condonation of delay, of the agreed order dated 13.12.2014. What we find surprising is an endeavour to defend the alleged discretion sought to be exercised by the Honourable Minister/Ex-Chairman in allotting shops. In fact, this agreed order was passed in the circumstances where these shops were sought for allotment

through draw of lots, but on two earlier occasions, such endeavour was set at naught without giving any reasons. Thereafter, the Minister proceeded with these discretionary allotment.

2. The learned counsel for the petitioners more so, Mr. Richardson Wilson, learned Counsel makes a valiant endeavour to persuade us that we should re-visit this issue, as even third party rights have accrued. He submits that auction is not the only methodology of making the allotment.

3. We are not saying that auction is the only option. A transparent methodology has to be followed in the context of conducting auctions for allotment of shops and thus, the draw of lots used to be conducted among the people who applied for allotment which was a fair procedure.

4. In view of all the aforesaid reasons, we are unable to persuade

ourselves to agree with the submissions of the learned counsel for the petitioners, despite their best efforts.

5. All the Review Applications and the condone delay petitions accordingly stand dismissed.

(S.K.K., CJ) (T.S.S., J.)
10.04.2015

ksr

Copy to

1.The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Road, Egmore, Chennai.

2.The Chief Executive Officer
Chennai Metropolitan Development Authority
Gandhi Irwin Road, Egmore, Chennai.

The Hon'ble the Chief Justice
and
T.S. Sivagnanam, J.

Rev.Aplw.Nos.4,5, 15,16,18, 23 of 2015
and M.P.Nos.1,1,1,1 and 1 of 2015
in
Rev.Aplw.SR.Nos.38385, 38388,
38394 and 38397 of 2015

10.04.2015