

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.17025/2014 & MP.Nos.1&2/2014

P.Senthil Kumar

.. Petitioner

Versus

1.The Member Secretary

Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road,
Egmore, Chennai-8.

2.The Chief Executive Officer

Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road,
Egmore, Chennai-8.

.Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records of the 1st respondent order bearing Letter No.K2/1790/2014 dated 27.05.2014 and quash the same and consequently to direct the 1st respondent to allot the shop J-112 in Koyambedu Periyar Vegetable Market to the petitioner as per the 1st respondent order Kaditha En.K5/12543/02 dated 08.04.2003.

For Petitioner

: Mr.L.Chandrakumar for
Mr.S.Shivashanmugam

For Respondents

: Mr.M.Karthikeyan, CMDA

ORDER

Heard Mr.L.Chandrakumar, learned counsel for the petitioner and Mr.M.Karthikeyan, learned counsel for the respondents and perused the material available on record.

2.The petitioner seek for issuance of a writ of certiorarified mandamus to quash the proceedings dated 27.05.2014 by which the petitioner's request for allotment of a shop in Koyambedu Periyar Vegetable Market was rejected and the petitioner was advised to apply for allotment as and when the advertisement is issued.

3.Learned counsel for the petitioner submitted that there are several shops lying vacant and no notification or advertisement is released by the CMDA to give shops on lease or on out rate sale basis. Reliance has been placed on the order passed by this Court in the case in G.Ranganayaki and others Vs. The Member Secretary, CMDA dated 03.04.2003, wherein this Court, while holding that it is difficult to fault the tender proceedings, especially when no illegality has been alleged, had directed the respondents therein to consider the petitioner's representation, if it is possible to acceded to the request, since in the event of the shops are going to be allotted to the vegetable vendors. In the instant case, if the petitioner states that there are vacant shops, it is open to the petitioner herein to give a fresh representation indicating the shops numbers to the respondents herein and on receipt of such respondents, are directed to consider such representation in accordance with law.

4.The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

AP

To

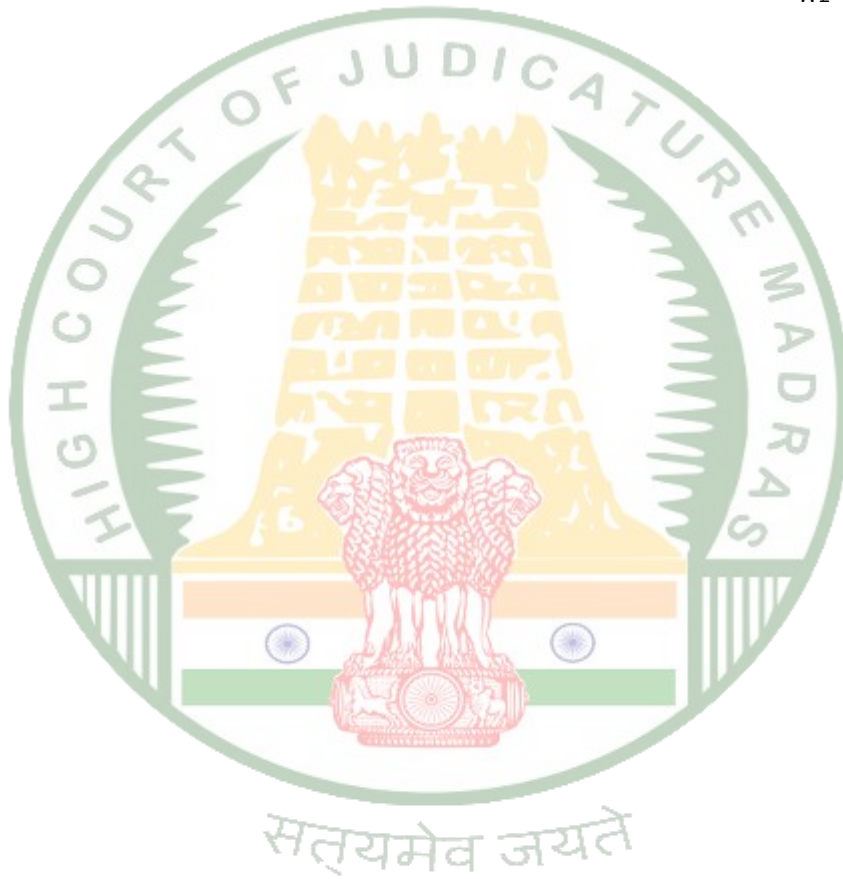
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+1 cc to MR.S.SHIVASUNMUGAM ADVOCATE SR NO.7685.

BVR[CO]
RD21/02/15

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