

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2015

CORAM

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.28583 of 2015

Chennai Kothawalchavadi Wholesale
Merchants' Association's Federation
rep. by its President S.Chandresan,
8, Anderson Street First Floor,
Chennai - 600 001 ... Petitioner

Vs.

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 2.The Chief Executive Officer,
Chennai Metropolitan Development Authority,
1, Gandhi Irwin Road,
Egmore, Chennai - 600 008. ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus directing the respondents to handover the possession of 445 shops out of 492 shops in Koyambedu Wholesale Market Complex, Chennai - 107 to the members of the petitioner Federation who have paid the entire costs and declared as allottees in the drawl of lot held on 11.08.2015 by considering the representation dated 31.08.2015.

For Petitioner .. Mr.N.Manokaran

For Respondents .. Mr.P.Tamilmani

ORDER

The petitioner Merchants Federation, represented by its President, Mr.S.Chandresan, has come before this Court seeking a Writ of Mandamus directing the respondents to handover possession of 445 shops out of 492 shops in Koyambedu Wholesale Market Complex, Chennai to the members of the petitioner Federation who paid the entire cost and declared as allottees in the drawl of lot held on 11.08.2015 by considering the representation dated 31.8.2015.

2. Heard Mr.N.Manokaran, learned counsel appearing for the petitioner and Mr.P.Tamil Mani, learned counsel appearing for the respondents.

3. The members of the petitioner Federation were allotted 445 shops out of 492 shops in the Koyambedu Wholesale Market Complex, Chennai in the drawl of lot conducted on 11.8.2015. However, possession has not been given to them. Hence, the petitioner Federation has given a representation on 31.08.2015. Since there was no response from the respondents, the present Writ Petition has been filed seeking for a mandamus directing the respondents to handover possession.

4. It is seen, this Court, in Contempt Petition No.1746 of 2015, injuncted the respondents from conducting drawl of lot on 11.8.2015. However, it is seen that due to communication gap, the order could not be communicated to the respondent who proceeded with the drawl of lot on 11.08.2015. Because of the interim order passed in the above Contempt Petition, the members of the petitioner Federation could not be handedover possession. The petitioner Federation has got nothing to do with the Contempt Petition nor the order obtained by the petitioner therein. Moreover, the right of the Contempt Petitioner in the above Contempt Petition has been preserved by keeping aside 22 shops and his interest is safeguarded so. Therefore, there cannot be any prohibition for the respondents to handover possession of the shops to the members of the petitioner Federation, namely, 445 members.

5. Therefore, the respondents are directed to handover possession to the allottees of the petitioner Federation within a period of one week from the date of receipt of a copy of this order. The Writ Petition is disposed of accordingly. No costs.

Post the matter for reporting compliance on 15.10.2015.

asvm

29.09.2015

For Reporting Complaine

This Petition having been posted this day the Friday, thirtieth day of October 2015. For reporting Complaine in pursuance of the Order of this Court dated 29.09.2015 and made herein in the presence of the above said Advocates the Court made the following Order:

When the matter is takenup for Complaine, the learned counsel for the Respondent seeks two weeks time. Hence, two weeks time is granted to enable the Respondent to give possession to the allottees of the Petitioner. Therefore, no further is necessary.

30.10.2015

Sd/-
Asst.Registrar (CO)

/true copy/

To Sub Asst. Registrar

1. The Member Secretary,
Chennai Metropolitan Development Authority,
1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
2. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

Copy to:

The Section Officer/Posting Clerk,
Writ Section, High Court,
Madras - 104.

+1 cc to M/s.N.Manokaran, Advocate, sr.52984

W.P.No.28583 of 2015

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CA(06.11.2015)

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