

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2015

CORAM

THE HONOURABLE Mr. JUSTICE N. KIRUBAKARAN

W.P.No.30942 of 2015

and

M.P.No.1 of 2015

Thanthai Periyar Thakali Vyaparigal Sangam,
(Regn.No.225/04)
Rep.by its President,
A.K.Saminathan,
M-114, Periyar Vegetable Market,
Koyambedu, Chennai 600 092. ..Petitioner

/vs/

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai 600 008.
- 2.The Chief Executive Officer,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai 600 008.
- 3.The Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai. ..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the first and second respondents to allot N/124 Godown situated at Periyar Vegetable Market, Koyambedu Wholesale Market Complex, Koyambedu, Chennai 600 092 to the petitioner on their representation dated 01.09.2015 on rental basis for the time being on the prevailing rate in the interest and welfare of small traders of Koyambedu Wholesale Market Complex until it is allotted by following the usual practice of CMDA in allotment of shops/godowns with the condition that N/124 godown has to be maintained at all times as godowns only.

For Petitioner :Mr.Vanathi Srinivasan
For Respondent :Mr.K.Rajasrinivas for RR1
and 2
Mr.M.Velmurugan for R3

ORDER

The prayer in the writ petition is for issuance of Writ of Mandamus directing the first and second respondents to allot N-124 Godown, situated at Periyar Vegetable Market, Koyambedu Wholesale Market Complex, Koyambedu, Chennai 600 092, to the petitioner on their representation dated 01.09.2015 on rental basis for the time being on the prevailing rate in the interest and welfare of small traders of Koyambedu Wholesale Market Complex until it is allotted by following the usual practice of CMDA in allotment of shops/godowns with the condition that N-124 godown has to be maintained at all times as godowns only.

2.The petitioner is the Association of Wholesale Traders of Tomato, which is carrying on Koyambedu Wholesale Market Complex, Koyambedu. There are shops and godowns in Koyambedu Wholesale Market Complex. The Godowns are meant for storing the goods and not to be used as shops. One such godown is N-124, which was originally allotted to Tomato Traders Association and subsequently, the said Association had returned the Godown to the authorities due to some internal problem. The said godown N-124 is kept closed for the past 6 years and there is an attempt to convert the said godown into shops. Therefore, the petitioner gave a representation to the second respondent on 22.02.2011 with a request to allot the godown N-124, subsequently on 17.11.2012 and finally on 01.09.2015. Therefore, the communication of the first respondent dated 07.09.2015 informed that the allotment of shops/godowns are being made either through drawal of lot or through bid cum auction process only not by individual or sangam. Therefore, the petitioner has come before this Court by way of this writ petition.

3.Heard Ms.Vanathi Srinivasan, the learned counsel appearing for the petitioner and Mr.K.Rajasrinivas, the learned counsel appearing for respondents 1 and 2 and Mr.M.Velmurugam, the learned counsel appearing for the third respondent.

4.With regard to the contention that the godown N-124 is sought to be converted as shops, it is denied by the respondents. The respondents would submit that they are going to undertake repair work in the said godown and thereafter, the said godown would be brought through bid cum auction process. In that process, the petitioner can participate.

5.The learned counsel appearing for the respondents seek 16 weeks time to repair the godown and bring it for auction.

6.As admitted by the respondents, godownN124 is kept vacant and it is closed. As undertaken by the respondents, the said godown should not be converted into shops and it should be required to be repaired within sixteen weeks and the allotment should be made by bid cum auction process and there should not be any individual allotment. The prayer sought for by the petitioner is for allotment and the same cannot be granted. However, the respondents are directed to repair the godownN124 and bring it for bid cum auction only for the godown purpose within sixteen weeks from the date of receipt of a copy of this order.

7.With the above direction, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai 600 008.

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

3.The Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai.

+1 cc to Mr.K.Raja Srinivas, Advocate sr.59020

+1cc to M/S. Vanathi Srinivasan, Advocate Sr.59881[10/12/2015]

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aa04/11/2015