

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.10.2015

Coram :

The Hon'ble Mr.Justice N.KIRUBAKARAN

W.P.No.31028 of 2015

Chennai Metropolitan Development Authority,
Koyambedu Market Spinach / Green Leaves Wholesale
Traders Upliftment Association,
Rep. by its Secretary V.Govindaraju
having office at
No.1-10, Periyar Kaikari Angadi,
Koyambedu,
Chennai - 600 092.

...Petitioner

vs

1. The Member - Secretary,
Chennai Metropolitan Development Authority,
Chennai - Irwin Salai,
C.M.D.A., Egmore,
Chennai - 600 008.
2. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Salai,
Egmore, Chennai - 600 008.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issue of writ of mandamus directing the respondents to allot the shops at Gate No.5 (Service shops) or any other vacant shops at Koyambedu Market Complex to the Members of the petitioner's association by considering its representation dated 12.12.2013 and 17.12.2013 within stipulated time.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.K.Raja Srinivas

O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The members of the petitioner's association were originally selling spinach on whole sale and retail basis at Kothaval Chavadi and later on at Gate - 9 in the Koyambedu complex without proper shops on a daily rental basis. The whole sale Keerai Merchants Association, Koyambedu represented by its Secretary had requested the respondent to provide shops for them in the open veradah portion of the vegetable market in KWMC. Based on that, resolution No.AR No.86/2004 dated 02.07.2004 was passed by CMDA to allot open varadah of H, I, K, L, M and N blocks of vegetable market of each 149 sq.ft. to the members of the petitioner's association for sale. Thereafter, advertisement was published in the newspaper on 15.05.2005 calling for applications from Green Leaves Traders for allotment of open verandah. It was decided to give preference of allotment to those who are doing whole sale greens trade.

3. The respondents called for applications from 23.05.2005 to 30.05.2005 and on 14.05.2009, the shops were allotted to 58 members of the petitioner's association as per the draw held on 01.06.2005 but the remaining persons have not been allotted shops and they are now selling the green leaves in the road and street. Moreover, the market management committee identified 70 persons as regular spinach and green leaves traders and they belong to the petitioner's association. Therefore, the petitioner's association gave representation to the respondents on 20.09.2010 pointing out that 29 shops are vacant at Gate No.5 and the same may be allotted to the members of the petitioner's association. Since no reply has been received from the respondents, the petitioner made representations on 12.12.2013 and 17.12.2013 but so far no order has been passed by the respondents. Hence, the petitioner's association is before this court by way of this writ petition.

4. Heard Mr.M.R.Jothimanian, learned counsel appearing for the petitioner's association and Mr.K.Raja Srinivas, learned counsel appearing for the respondents.

5. Taking into consideration the allegations that has been pleaded in the affidavit that the members of the petitioner's association were originally selling spinach on whole sale and retail basis at Kothaval Chavadi and later on at Gate - 9 in the Koyambedu complex without proper shops on a daily rental basis and also considering the fact that 58 members of the petitioner's association have been allotted shops, it is appropriate to direct the respondents to consider the representation of the petitioner's association dated 12.12.2013 and 17.12.2013 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of.
No costs.

rgr

Sd/-
Assistant Registrar (Judicial)

/True Copy/

Sub-Assistant Registrar

To

1. The Member - Secretary,
Chennai Metropolitan Development Authority,
Chennai - Irwin Salai,
C.M.D.A., Egmore,
Chennai - 600 008.
2. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Salai,
Egmore, Chennai - 600 008.

+1 C.C. To MR.M.R.Jothimanian, Advocate in SR.NO.53657

+1 C.C. To MR.Raja Srinivas , Advocate in SR.NO.53622

W.P.No.31028 of 2015

Lrs (CO)
sd : 19/10/2015

सत्यमेव जयते

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