

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.12080 of 2012
and
M.P.No.1 of 2015

Raja Mohamed

... Petitioner

Vs.

1.Chief Executive Officer,
Chennai Metropolitan Development Authority,
represented by its Chairman,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.Chief Administrative Officer,
Market Management Committee,
Koyembedu Wholesale Market Complex,
Chennai.

3.R.Ramiah

4.The Senior Law Officer,
Chennai Metropolitan Development Authority,
represented by its Chairman,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in Letter No.K3/15375/2000 dated 02.04.2012 to quash the same and further direct the 2nd respondent to renew the licence and registration certificate in favour of the petitioner as per the representation of the petitioner dated 04.04.2012 for the period from 2012 to 2015.

For Petitioner : Mr.M.Rajasekhar

For Respondents : Mr.K.Rajashrinivas for R1 & R4

Mr.M.Velmurugan for R2

Mr.R.Mohan for R3

O R D E R

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner is the power holder of the 3rd respondent. According to the petitioner, an agreement of sale has been entered into between them and pursuant to which, the entire sale consideration has been paid. However, without any valid reason in the eye of law, the power deed has been cancelled by the 3rd respondent that too without notice. The petitioner is also said to have filed the suit for declaration and for permanent injunction challenging the cancellation of the power deed. The said suit was decreed, as also confirmed by the Appellate Court. Though, the 3rd respondent has filed the Second Appeal, there is no interim order operating against the petitioner.

3. In the mean while, in the impugned communication dated 02.04.2012, the 1st respondent asked the 2nd respondent to send registration certificate and licence certificate for the year 2012 to 2015 and the said communication is in the name of the original allottee viz., the 2nd respondent herein.

4. The said communication is only an inter-department communication. Admittedly, the petitioner has not been heard before sending the said communication and further more, the period mentioned thereunder has also comes to an end by 31.03.2015.

5. Now the grievance of the petitioner is that his renewal application will have to be considered on merit. The petitioner is also said to have submitted the renewal application on 10.03.2015.

6. As rightly submitted by the learned counsel for the 1st respondent, the prayer sought for in the writ petition is no longer survives for consideration. This Court finds that the impugned communication is inter-department one between the respondents 1 and 2. However, the application made by the petitioner for renewal dated 10.03.2015 has to be considered by the 2nd respondent on merits and in accordance with law. Thus, the 2nd respondent is called upon to pass orders on the same on merits and in accordance with law, after affording opportunity to the petitioner and the 3rd respondent, within a period of four weeks from the date of receipt of a copy of this order. While doing so, it is well open to the 2nd respondent to consider the pending application, if any, made by the 3rd respondent as well. Till the final orders are passed, the parties are directed to maintain status qua as on today.

7. With the above observations and directions, the writ petition is disposed of. No costs. Consequently, M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar
Dated:26.3.15

True Copy

Sub Assistant Registrar

To

1.The Chief Executive Officer,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.The Chief Administrative Officer,
Market Management Committee,
Koyembedu Wholesale Market Complex,
Chennai.

3.The Senior Law Officer,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

+1 cc to Mr.R.Mohan, Advocate,SR.16477

+1 cc to Mr.M.Rajasekar, Advocate,SR.16326

+1 cc to Mr.K.Rajashrinivas, Advocate,SR.16466.

ug(co)
krd 27/3

सत्यमेव जयते

Order in
W.P.No.12080 of 2012

WEB COPY