

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.40554 of 2015
& MP.No.1 of 2015

J.Sivagami

.. Petitioner

Vs.

1. The Chairman,
The Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No. 1, Gandhi Irwin Road, Egmore,
Chennai-600 008.
2. The Chief Executive Officer
The Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008
3. The Member Secretary
The Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondents 1 to 3 to conduct the draw of lots for the shop No.TG-95 Fruit Market Phase-II Koyambedu Market Chennai among the persons who applied as per the publication dated 04.01.2009 and till date not withdraw their Earned Money Deposit (EMD) alone.

For Petitioner

..

Mr.P.Mahalakshmi

For Respondents

..

Mr.K.Rajasrinivas

ORDER

Heard the learned counsel for the petitioner and Mr.K.Rajasrinivas, learned counsel accepts notice for the respondent and with their consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Petitioner has filed this writ petition praying for issuance of a writ of Mandamus to direct the respondents 1 to 3, to conduct the draw of lots for the shop No.TG-95, Fruit Market Phase-II, Koyambedu Market Complex, Chennai, among the persons who applied as per the publication dated 04.01.2009. The petitioner is said to have remitted a sum of Rs.7,56,000/- on 25.03.2009, to enable him to participate in the draw of lots for allotment of the shop within the Koyambedu Market Complex. The petitioner would state that the auction was not conducted on the fixed date but, ultimately, on 08.10.2009 an allotment was made to one S. Kathiravan, which later appears to have been set aside by the respondents. Since the petitioner's money i.e., Rs.7,56,000/- is being retained by the respondents, the petitioner has made a representation on 29.06.2015, stating that the drawal of lots may be conducted among the persons, like that of the petitioner, who have paid the money and are waiting for allotment. Since no orders are passed, the petitioner has approached this Court.

3. Learned counsel for the respondent/CMDA, on instructions, submitted that the First Bench of this Court in Review Application No.4 of 2015 etc., batch, by an order dated 10.04.2015, while rejecting the review petition held that draw of lots was also a fair procedure. The learned counsel for the respondent submits that drawal of lots is to be held shortly in which similarly placed persons like that of the petitioner will be permitted to participate.

4. In the light of the fact that the said representation is still pending before the respondent, there will be a direction to the second respondent to consider the petitioner's representation dated 29.06.2015 on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order and communicate the same to the petitioner. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

smi

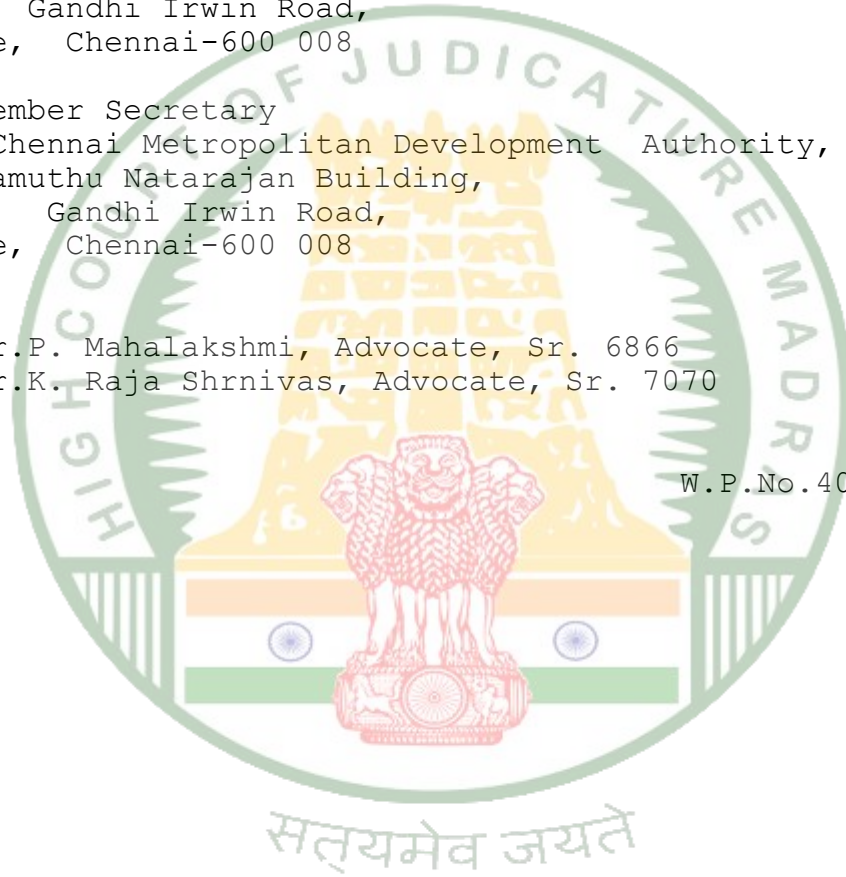
To,

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3. The Member Secretary
The Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
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Egmore, Chennai-600 008

1 cc to Mr.P. Mahalakshmi, Advocate, Sr. 6866
1 cc to Mr.K. Raja Shrnivas, Advocate, Sr. 7070

W.P.No.40554 of 2015

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