

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.4026 of 2016
and
WMP Nos.3351 & 3352 of 2016

T.M.Abit Basha Secretary of
Anna Fruit Vendors Regd. Association
Having office at No.98 AA Fruit Merchant Old Bus
Stand Backside Vellore Vellore District ... Petitioner

Versus

- 1 The Mayor
City Municipal Corporation Vellore-1
- 2 The Commissioner
City Municipal Corporation Vellore-1 ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, calling for the records from the file of the 2nd respondent published in Na.Ka. No. 13/2014/ A1/ MA3 dated 21/1/2016 in respect of shops in Zone No-2 Serial No-5 and quash the same and direct the 2nd respondent to allot 150 shops to the petitioner association on payment of Rs.50/- per day or any other amount to be fixed by the 2nd respondent for each shops.

For Petitioner : Mr.V.Subbarayan

For Respondents : Ms.P.Shanthi

WEB COPY
O R D E R

With the consent on either side, the writ petition is taken up for final disposal.

2. The petitioner, claiming to be the Secretary of the Anna Fruit Vendors Association, consisting of persons, who run platform shops in Vellore Town, has filed this writ petition to quash the auction notice issued by the 2nd respondent Municipal

Corporation dated 21.01.2016. On a perusal of the notification, it is seen that one of the items, which is sought to be brought for public auction is in respect of the Open Area shops measuring 7 ¹/₄ x 4 in the Old Fish Market at the rate of Rs.100/- per day. The auction notice concerns the right to collect fee from the traders in the said market. Therefore, this has got nothing to do with the allotment of shops. Therefore, the challenge to the impugned notification is fully misconceived.

3. Further, it is seen that the undertaking which was given during 2002 appears to have been fulfilled and the market has been located near the old fish market. Therefore, the petitioner can have no locus standii to challenge the impugned notification, since they are not the person who intend to participate in the auction to collect fee from the traders in the Open Market. Hence, the relief sought for cannot be granted and the Writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

ars

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

- 1 The Mayor,
City Municipal Corporation, Vellore-1.
- 2 The Commissioner,
City Municipal Corporation, Vellore-1.

+ 1 cc to M/s.P.Shanthi, Advocate, SR 7460

pur(co)
prk16/2

W.P.No.4026 of 2016

WEB COPY