

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 29.02.2016

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5461 of 2016

&

WMP No.4800 of 2016

Chennai Koyambedu Market Perishable Goods
Wholesale and Retail Traders' Welfare Association,
Rep. by its Secretary,
A.Govindarajan,
L Block, Shop No.1, Periyar Vegetable Market,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai. Petitioner

Versus

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore, Chennai.
2. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore, Chennai. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents to allot shops which was constructed by the respondents by converting the loading and unloading (ramp) area near Gate No.5, numbering about 30, Thanthai Periyar Vegetable Market in Koyambedu Wholesale Market Complex, Koyambedu, Chennai-600 092, by following the transparent method.

For Petitioner : Mr.K.V.Sajeev Kumar

For Respondents : Mr.M.Karthikeyan

O R D E R

Heard Mr.K.V.Sajeev Kumar, learned counsel appearing for the petitioner and Mr.M.Karthikeyan, learned Standing Counsel, accepting notice on behalf of respondents. By consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2. The petitioner is an Association said to be consisting of Small Traders of Perishable Commodities in the Koyambedu Wholesale Market Complex, Koyambedu. The petitioner would state that the respondents are allotting shops by converting the loading and unloading ramp area near Gate No.5, numbering about 30 shops and the allotment has not been done in a transparent manner.

3. Firstly, it is not known as to how the ramps which are intended for loading and unloading could be converted into shops. Therefore, prima facie, the decision to convert ramps into shops itself is questionable. However, the petitioner Association is not aggrieved by that and they appear to have accepted such decision, which in the opinion of this Court is not tenable.

4. Be that as it may, what now the petitioner Association seeks is that whatever allotment is made, it should be in a transparent manner. Earlier, several Writ Petitions were filed by certain persons stating that though they were also entitled for allotment and they have given representations, they were not able to participate in the earlier auction etc. However, this Court, was not inclined to go into the merits of those claims, but issued a direction to the Authority to consider the representations on merits and in accordance with law. Taking advantage of those orders, the respondents 1 and 2 have issued allotment orders in favour of those petitioners stating as if this Court has directed for allotment of shops.

5. Therefore, prima facie, it is clear that innocuous direction issued by this Court have been misused and the same was interpreted by the respondent authority. Therefore, this Court is of the clear view that the manner in which, the Koyambedu Wholesale Market is being administered, the allotments being made, rents being collected, etc. is in a thorough mess and a serious look into the matter is required at a higher level.

6. In this Writ Petition, the Association states that those loading and unloading ramps which have been converted into shops near gate No.5, should be allotted in a transparent manner. It is needless to state, when the allotments are made in respect of the Government properties, shops etc., it is mandatory on the part of the authorities to follow a transparent manner. Without resorting to proper tender and auction etc., if allotments are made at the whims and fancies of the Authorities on account of political connections etc., such allotments are illegal. In fact, I am a party to the decision of the First Bench of this Court, which has quashed the allotments made under discretionary quota recommended by political functionaries for allotment of shops and trading

activities in the Koyambedu Wholesale Market. Therefore, it is needless to state that the Authority should observe a transparent procedure in respect of allotment of shops.

The Writ Petition is dismissed on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore, Chennai.
2. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore, Chennai.

+1cc to Mr.K.V.Sajeev Kumar, Advocate, S.R.No.13128
+1cc to Mr.M.Karthikeyan, Advocate, S.R.No.12746

W.P.No.5461 of 2016
&
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MG(CO)
CA(10/03/2016)

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