

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.05.2018

CORAM

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.12833 of 2018
and W.M.P.No.15072 of 2018

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,
CMDA, Egmore, Chennai - 600 008.
2. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Salai,
Egmore, Chennai - 600 008.
3. The Chief Administrative Officer,
Market Management Committee,
Chennai Metropolitan Development Authority,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai - 600 107.

4. S.Ravi

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue Writ of mandamus forbearing the respondents 1 to 3 and their subordinate from allowing the 4th respondent to sell the Shop No.VLG-3, to some 3rd party who is not Keerai Traders, consequently direct the respondents 1 to 3 to take action against the 4th respondent based on the objection of the petitioner dated 10.05.2018.

For Petitioner : Mr.M.R.Jothimanian
For Respondents : Mr.N.Sampath (R1 to R3)

O R D E R

The members in Koyambedu Market Spinach/Green Leaves Wholesale Traders Upliftment Association have filed this Writ Petition to forbear the respondents 1 to 3 from allowing the 4th respondent to sell the Shop No.VLG-3, to some 3rd party, who is not Keerai (Spinach) Trader and consequently, to direct the respondents 1 to 3 to take action against the 4th respondent based on the objection of the petitioner dated 10.05.2018.

2.The petitioner's grievance is that they have been allotted shops in Koyambedu Market Complex and they are selling only Spinach and the allotments were done only to the Green Leaves Vendors in the open verandah. The CMDA called for applications from 23.05.2005 to 30.05.2005. On 14.05.2009 the shops were allotted to 58 members of the petitioner Association, including the 4th respondent as per the draw of lots on 01.06.2005. The 4th respondent got the Shop No.VLG-3. The 4th respondent has been doing Keerai (Spinach) business and suddenly, started selling coconut, onion and potato in the said shop through his binami. Hence, the petitioner had filed objections and also apprehend that the 4th respondent is going to sell the Shop to some 3rd party against the conditions in Clause 5(f) and 10 of the Allotment Order. Hence, the petitioner has given a representation to the respondents 1 to 3 on 10.05.2018 and there was no reply to the said representation. If the 4th respondent sells the Shop to some other person, who is doing business other than Spinach, the members of the petitioner Association would be put to lot of inconvenience and hardship.

3.Heard the learned counsel on both sides.

4.The petitioner would submit that it is suffice if their representation and objection dated 10.05.2018 is considered.

5.In view of the above submissions, the respondents 1 to 3 are directed to consider and take action on the objection of the petitioner dated 10.05.2018 as per law within a period of four weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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To

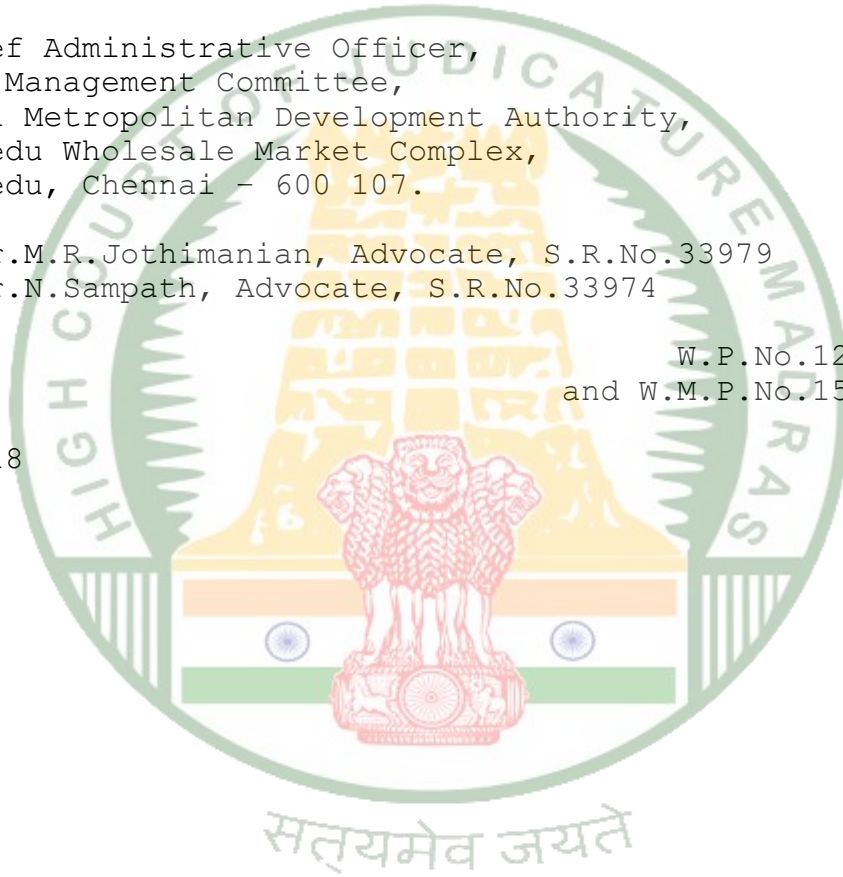
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Koyambedu, Chennai - 600 107.

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.33979

+1cc to Mr.N.Sampath, Advocate, S.R.No.33974

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CS/07/06/18



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