

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.12790 of 2004
and
W.M.P.No.14896 of 2004

C.Dhanasekaran

.. Petitioner

Vs.

1. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai-600 008.
 2. The Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Perishable Market Complex,
Koyambedu, Chennai-600 092.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned Letter No.K2/1417/2003, dated 12.12.2003 passed by the first respondent and quash the same and consequently direct the respondent authorities 1 and 2 to re-consider the representation dated 08.09.2003 and permit the petitioner to carry on the trade of vegetable as well as service stall in his shop No.B-83, within the Koyambedu Wholesale Vegetable Market Complex, Koyambedu.

For Petitioner : Mr.S.Thanka Sivan

For Respondents : Mr.N.Sampath for R-1
No appearance for R-2

ORDER

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned Letter No.K2/1417/2003, dated 12.12.2003 passed by the first respondent and quash the same and consequently direct the respondent authorities 1 and 2 to re-consider the representation dated 08.09.2003 and permit the petitioner to carry on the trade of vegetable as well as service stall in his shop No.B-83, within

the Koyambedu Wholesale Vegetable Market Complex, Koyambedu.

2. It is seen that the petitioner was allotted shop No.B-83 within the Wholesale Vegetable Market Complex, Koyambedu and when the shop is handed over to the persons like the petitioner for specific purpose, the petitioner cannot be permitted to bifurcate the shop, particularly into one of running a service shop. The request made by the petitioner for running the service shop in Shop No.B-83, was rejected by the impugned communication. The impugned order has been passed as early as on 12.12.2003 and nearly 15 years have gone by.

3. When the place is given for a specific purpose, it shall be utilised only for that purpose, unless and until change has been authorised either by law or by operation of any agreement. In this case, the request dated 08.09.2003 was rejected by the impugned order. I do not find any error or illegality in the impugned order. There being no merits, the Writ Petition is dismissed. No costs. Consequently, W.M.P. is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

CS

To

1. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai-600 008.
2. The Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Perishable Market Complex,
Koyambedu, Chennai-600 092.

+1cc to Mr.N.Sampath, Advocate, S.R.No.5338

W.P.No.12790 of 2004

RRK(13/02/2018)