

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.40362 of 2016
& WMP.No.34431 of 2016

S.Zakhiya Beebi

... Petitioner

Vs.

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Maligai,
No.8, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
 - 2.The Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai - 600 107.
 - 3.Pappi
also known as Govindammal
- Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents 1 and 2 from interfering with the petitioner's peaceful possession and enjoyment of the shop bearing No.F/P-2, namely Flat Form Shop No.F/P-2 measuring 30 square feet situated at the Wholesale Koyambedu Market Complex, Koyambedu, Egmore, Nungambakkam Taluk either by themselves, their workmen, agents, representatives and assigns etc.

For Petitioner : Mr.D.Ashok Kumar
For Respondents : Mr.N.Sampath (for RR1 & 2)

ORDER

The writ petition has been filed for issuance of a Writ of Mandamus to forbear the respondents 1 and 2 from interfering with the peaceful possession and enjoyment of the petitioner in shop No.F/P-2, measuring 30 square feet situated at the Wholesale Koyambedu Market Complex, Koyambedu, Egmore, Nungambakkam Taluk either by themselves, their agents.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 and 2.

3. The learned counsel for the petitioner submitted that the 3rd respondent is the allottee of the shop in dispute and the petitioner has purchased the said property from the 3rd respondent and a representation dated 05.11.2016 is given for transfer of shop in the name of the petitioner.

4. The learned Government Advocate appearing for the respondents 1 and 2 submitted that the representation of the petitioner is not available, if a fresh representation is given, it would be considered in accordance with law.

5. The learned counsel for the petitioner submitted that the petitioner is ready to give fresh representation along with required documents and the same may be considered by the respondents.

6. In the light of the above submissions and the prayer sought for in the writ petition, the petitioner is directed to give fresh representation along with relevant documents, within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the 2nd respondent shall consider the representation of the petitioner and pass appropriate orders on merits and in accordance with law, within a period of three months therefrom, after providing an opportunity of hearing to the necessary parties.

7. With the above observation and direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Maligai,
No.8, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
2. The Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai - 600 107.

+1 CC TO MR.N.Sampath, Advocate SR. No. 14927

RMP (26/03/2018)

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