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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.24044 of 2021

V.Ranganathan
rep.by his Power of Attorney
K.Rathinasamy

... Petitioner

Vs.

The Chief Executive Officer
Chennai Metropolitan Development Authority
No.1 Gandhi Irvin Road,
Egmore, Chennai - 600 008.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 20.10.2021 for allotment of shop No. from B/P-24 to T/A-P-4 on conversion in the light of the W.P.No.4004 of 2000 order dated 08.03.2000.

For Petitioner : Mr.M.Rajasekar
for Mrs.S.Gomathilakshmi

For Respondent : Mrs.Malarvizhi Udayakumar
Standing Counsel for CMDA

O R D E R

The relief sought for in the present Writ Petition is to direct the respondent to consider the representation of the petitioner dated 20.10.2021 for allotment of shop number from No.B/P-24 to T/A-P-4 on conversion in the light of the order in W.P.No.4004 of 2000 dated 08.03.2000.



2. Relying on the order passed by this Court on 08.03.2000, the petitioner has made a representation. The said order reveals that this Court had directed the respondent to consider the request of the petitioner therein for preferential basis for allotment, if otherwise satisfied the requirements. Such a general observation made by this Court 21 years back (in the year 2000) cannot be considered at this point of time.

3. In view of the fact that many policy of amendment under went due to statute rules and regulations, preference cannot be given to anybody unless there is a provision for grant of such preference to a particular category. It is needless to state that all allotments of shops by the Chennai Metropolitan Development Authority has to be made strictly by following the procedures contemplated and by providing opportunity to all the eligible persons to participate in the process. By directing the authorities to consider the representation allotment cannot be obtained.

4. The High Court Cannot issue a direction in the form of recommendation, so as to direct the respondent to consider the case of the Writ Petitioner. Consideration of a claim would arise only if the process commenced for such allotment of shops in a market or the place under the control of the CMDA. It is not as if any person can file a Writ Petition seeking direction to consider the representation and by obtaining such an order get preference for allotment or otherwise. On most occasions, such a general direction issued by the High Courts to consider the representations are wrongly interpreted or implemented by the authorities at their whims and fancies, which causes prejudices to the other eligible persons and more so deprived the right of the other eligible persons, who are also longing to get such allotment in accordance with the rules and regulations in force. Thus, even for issuing a direction to consider the representation, the rights of the persons who are approaching the High Court in a Writ Petition has to be considered.

5. In the present case, the petitioner states that he should be given preference. Preferences or otherwise are to be granted only in accordance with the provisions of the Act and Rules and not otherwise. Thus, this Court cannot issue any such direction to consider the representation. It is for the petitioner to submit an application in the event of any notification of such allotments and if he is otherwise eligible, the authorities are bound to follow the regulations scrupulously while taking decision in such matter.



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6. With these observations, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Jeni/Kan

To

The Chief Executive Officer
Chennai Metropolitan Development Authority
No.1 Gandhi Irvin Road,
Egmore, Chennai - 600 008.

+1cc to M/s.S.Gomathi Lakshmi, Advocate, S.R.No.57798 (09.12.2021)

W.P.Nos.24044 of 2021

SS (CO)
SU (24/11/2021)