



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.25169 of 2021

Tamil Nadu Malar, Kaai, Kani Viyabarigal Nalasangam,
(Reg. No.238/2007),
Rep. by its Secretary V.Govindaraju,
having office at M.43,
Periyar Kaikari Angadi,
Koyambedu Commercial Complex,
Chennai - 600 107.

... Petitioner

Vs

1. Chennai Metropolitan Development Authority,
Rep. by its Member - Secretary,
CMDA Office,
No.1, Gandhi Irwin Salai,
Egmore, Chennai - 600 008.
2. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
CMDA Office, No.1, Gandhi Irwin Salai, Egmore,
Chennai - 600 008.
3. The Chief Administrative Officer,
Chennai Metropolitan Development Authority,
Koyambedu Whole Sale Market Complex,
Koyambedu Commercial Complex,
Chennai - 600 107.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner representation dated 08.10.2021 and 22.10.2021 respectively, for the allotment of Godown No.E/88 in Periyar Vegetable market at Koyambedu wholesale market complex, Koyambedu, Chennai - 600 107 to the members of the petitioner Association.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mrs.Malarvizhi Udhayakumar
Standing Counsel for CMDA



O R D E R

The prayer sought for herein is for a writ of mandamus directing the respondents to consider the petitioner representation dated 08.10.2021 and 22.10.2021 respectively, for the allotment of Godown No.E/88 in Periyar Vegetable market at Koyambedu wholesale market complex, Koyambedu, Chennai - 600 107 to the members of the petitioner Association.

2. The petitioner is an Association called Tamil Nadu Malar, Kaai, Kani Viyabarigal Nalasangam which is a registered Society according to the petitioner. Number of members of the petitioner are doing vegetable and flower trade in the 3rd respondent Koyambedu Wholesale Market Complex. In this regard, it is to be noted that, 13 members of the petitioner Society headed by one P.Natarajan made a representation on 08.10.2021 and 22.10.2021 to the 1st respondent, wherein, they stated that the said Natarajan was already allotted the Godown No.E-88 at Periyar Vegetable Market at the Koyambedu Wholesale Market Complex, Chennai on rental basis and accordingly, the said Natarajan and other 12 members of the petitioner had been jointly doing the trade of vegetable, fruits and flowers in that Godown all along, for which, rent is being paid.

3. In this context, it is the further case of the petitioner, as per the case projected by them that the said representations were given by these 13 members who wanted the said Godown i.e., E-88 by way of outright purchase, for which, whatever the rate to be fixed by the respondents would be paid by these 13 members of the petitioner.

4. The name of the said Natarajan and other 12 members totally 13 have been given in the representation submitted by the petitioner dated 08.10.2021 and 22.10.2021. Therefore, all that Mr.M.R.Jothimani, learned counsel appearing for the petitioner would submit that, if at all the said representations are directed to be considered by the 1st respondent, who is the competent authority to consider with regard to the plea raised by the petitioner on behalf of the 13 members of the petitioner to get the said Godown by way of outright purchase and a decision is taken by the 1st respondent in the said representation on merits and in accordance with law within the time frame that may be stipulated by this Court, the petitioner would be satisfied.

5. On the other hand, Mrs.Malarvizhi Udhayakumar, learned Standing Counsel appearing for the CMDA i.e. respondents 1 and 2, on instruction, would submit that, the Godown concerned had been let in for rent only for said Natarajan under whom other 12 persons also jointly doing the business only as a tenant/lessee and in this regard, if at all they want to purchase the same from the CMDA by way of outright purchase on priority basis and in this regard, if they made representation on 08.10.2021 and



22.10.2021, that representation would be placed before the 1st respondent CMDA, who is the competent authority to decide as to whether the said Godown can be sold to this petitioner by way of outright purchase on priority basis or not and accordingly, a decision would be taken on merits and by thus, the representation of the petitioner would be decided and disposed of within a time frame that may be stipulated by this Court.

6. Having considered the said submissions made by the learned counsel appearing for the parties and after taking note of the materials placed before this Court in this regard, as discussed above, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the 1st and 2nd respondents to consider the representation of the petitioner dated 08.10.2021 and 22.10.2021 and pass orders thereon on merits and in accordance with law by giving an opportunity of being heard to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

7. With this direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. Member - Secretary,
Chennai Metropolitan Development Authority,
CMDA Office,
No.1, Gandhi Irwin Salai,
Egmore, Chennai - 600 008.
2. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
CMDA Office,
No.1, Gandhi Irwin Salai, Egmore,
Chennai - 600 008.



3. The Chief Administrative Officer,
Chennai Metropolitan Development Authority,
Koyambedu Whole Sale Market Complex,
Koyambedu Commercial Complex,
Chennai - 600 107.

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+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.66689

+1cc to Mrs.Malarvizhi Udhayakumar, Advocate, S.R.No.66535

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KSM(CO)

CT 06/01/2022