



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

WP.Nos.33358 to 33362 of 2012 & MP.Nos.1,1,1,1 & 1 of 2012 &
WP.Nos.33514 to 33517 of 2012 & MP.Nos.1,1,1 & 1 of 2012 &
WP.Nos.31091 to 31095 of 2012 & MP.Nos.1,1,1,1 & 1 of 2012 &
WP.No.20333 of 2013 & MP.No.1 of 2013 &
WP.No.10725 of 2010 & MP.Nos.1/2010 & 1/2011 &
WP.No.10728 of 2010 & MP.Nos.1/2010 & 1/2011 &
WP.No.12539 of 2010 & MP.No.1 of 2010

1. P.M.S.THANGAVEL
S/O. P.MANICKAM PILLAI,
NO.11/7 2ND CROSS STREET,
KUMARAN NAGAR, KOYAMBEDU,
CHENNAI-92. ... PETITIONER in WP No.33358 of 2012
- 1 D.PATCHAIAMMAL
W/O. DHANAPAL
NO.8/52 KARTHIGAI STREET,
SELLIAPPAN NAGAR, RED HILLS,
CHENNAI-107. ... PETITIONER in WP No.33359 of 2012
- 1 S.SELVI
W/O. N.SONIAMUTHU,
NO.40 1ST STREET,
B.V.COLONY VYASARPADY,
CHENNAI-39. ... PETITIONER in WP No.33360 of 2012
- 1 B.PREMA
W/O. V.BALAKRISHNAN,
NO.14-D CHITHRAI STREET,
CHINMAYA NAGAR,
CHENNAI-92. ... PETITIONER in WP No.33361 of 2012
- 1 M.RAVI
S/O. MUTHU CHETTIAR,
NO.429 MINT STREET,
GEORGE TOWN, CHENNAI-79. ... PETITIONER in WP No.33362 of 2012



WEB CONTENT

- 1 K.MANOKARAN
S/O. C.KARUPIAH NADAR,
NO.5 3RD STREET,
KANNAGI NAGAR, MANALI ROAD,
KORUKUPETTAI,
CHENNAI-21. ... PETITIONER in WP No.33514 of 2012
- 1 M.NAGARADHA
W/O. C.MANIMARAN
NO.255 B.RAHUMAN STREET,
GOLDEN GEORGE NAGAR,
MOGAPPAIR, CHENNAI-34. ... PETITIONER in WP No.33515 of 2012
- 1 T.SENTHILKUMAR
S/O.K.THANGAPANDI,
NO.22 GOPAL STREET,
PERAMBUR, CHENNAI-39. ... PETITIONER in WP No.33516 of 2012
- 1 S.MUTHUKUMAR
S/O. SRINIVASAN,
NO.75 3RD STREET,
KRISHNA NAGAR,
RED HILLS, CHENNAI-107. ... PETITIONER in WP No.33517 of 2012
- 1 G.MANJULA
W/O.GUNASEKARAN,
RESIDING AT NO.21,
APPARAO GARDEN,
1ST STREET, SHENOY NAGAR,
CHENNAI-30. ... PETITIONER in WP No.31091 of 2012
- 1 A.DEVASAGAYAM
S/O.A.BENJAMIN
RESIDING AT NO.4,
EDEN GARDEN, COOKS ROAD,
OTTEERI CHENNAI-12. ... PETITIONER in WP No.31092 of 2012
- 1 N.MURUGAN
S/O.NAGARAJ,
RESIDING AT NO.68A,
CHERAN STREET, MUNIAPPAN NAGAR,
RAJIVGANDHI NAGAR,
METTUKUPPAM, CHENNAI-107. ... PETITIONER in WP No.31093 of 2012
- 1 K.RANI
W/O.S.R.KATHIRESAN,
RESIDING AT NO.9,
VOC NAGAR, 6TH STREET,
METTUKUPPAM, CHENNAI-107. ... PETITIONER in WP No.31094 of 2012



WEB C

1 K.MOHANASUNDARI
W/O.N.KAMAL
RESIDING AT NO.88,
SHENBAGAM STREET,
BRINDAVAN NAGAR,
KOYAMBEDU, CHENNAI-92. ... PETITIONER in WP No.31095 of 2012

1 MR. M.DAMODHARAN
S/O.THIRU.MUNUSAMY,
RESIDING AT PLOT NO.7,
DOOR NO.88, SHENBAGUM STREET,
BRINDAVAN NAGAR, CHENNAI-92.

2 V.GOVINDARAJ
S/O.THIRU.VAITHYALINGAM,
RESIDING AT DOOR NO.5/90,
7TH STREET, ALAGAMMAL NAGAR,
REDHILLS, CHENNAI-107.

3 MR. K.AKBAR ALI
S/O.THIRU.KAMBAR ALI,
RESIDING AT PLOT NO.D3,
HALLS TOWER, HALLS ROAD,
EGMORE, CHENNAI-8.

4 MR. V.ELUMALAI
S/O.THIRU.VIJAYARANGAN,
RESIDING AT DOOR NO.18/24
PARTHASARATHY STREET KULASEKARAPURAM
CHINMAYA NAGAR CHENNAI-92.

5 MR. P.NATARAJAN
S/O.THIRU.PALANI,
RESIDING AT DOOR NO.6/8
WEST MADA STREET,
KOYAMBEDU, CHENNAI-107. ... PETITIONERS in WP No.20333 of 2013

1 Y.VENKATASUBBAREDDY
PLOTNO.69, 5HT BLOCK,
KAVIKANNADOSS NAGAR,
CHENNAI-118. ... PETITIONER in WP No.10725 of 2010

1 Y.DEVANDRAKUMAR REDDY
PLOT NO.69, 5TH BLOCK,
KAVIKANNADOSS NAGAR,
CHENNAI-118. ... PETITIONER in WP No.10728 of 2010

1 G.VENKATESAN
NO.43, ST. XAVIERS ST,
SEVEN WELLS, CHENNAI 79. ... PETITIONER in WP No.12539 of 2010



Vs

1 CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY,
REP.BY ITS CHAIRMAN,
NO.1, GANDHI IRWIN ROAD,
EGMORE, CHENNAI-8.

...1st RESPONDENT in WP No.33358, 33359,
33360, 33361, 33362, 33514, 33515,
33516, 33517, 31091, 31092, 31093, 31094,
31095 of 2012, 20333 of 2013, 10725, 10728
and 12539 of 2010

2 THE CHIEF EXECUTIVE OFFICER,
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY,
NO.1, GANDHI IRWIN ROAD,
EGMORE CHENNAI-8.

...2nd RESPONDENT in WP No.33358, 33359, 33360,
33361, 33362, 33514, 33515, 33516, 33517,
31091, 31092, 31093, 31094, 31095 of 2012,
20333 of 2013, 10725, 10728, 12539 of 2010

3 KOYAMBEDU MARKET LMN BLOCK
TRADERS WELFARE ASSOCIATION,
REP. BY ITS SECRETARY HAVING OFFICE,
AT L-79, PERIYAR VEGETABLE MARKET,
KOYAMBEDU, CHENNAI-600 092.

... RESPONDENTS in WP No.33358, 33359, 33360,
33361, 33362, 33514, 33515, 33516, 33517,
31091, 31092, 31093, 31094, 31095 of 2012,

R3-IMPLEADED AS PER ORDER DATED.21/02/2013
IN MP NOS. 1 TO 1 of 2013 IN WP Nos. 33358 TO
33362, 33514 TO 33517, 31091 TO 31095 of 2012

R4 THE CHIEF ADMINISTRATIVE OFFICER,

MARKET MANAGEMENT COMMITTEE,
KOYAMBEDU WHOLESALE MARKET COMPLEX,
CHENNAI - 92.

R5 CHENNAI METRO RAIL LIMITED,
HARINI TOWERS,
No.7, CONRON SMITH ROAD,
GOPALAPURAM, CHENNAI -86.

R4 and R5 IMPLEADED AS PER ORDER DATED 05.04.2013
IN MP Nos. 2 TO 2 OF 2013 IN WP 31091 TO 31095, 33358 TO 33362
of 2012 and 33514 to 33517 of 2012.

Prayer in W.P.No.33358 of 2012 : Writ Petition filed under
Article 226 of the Constitution of India praying for the



issuance of Writ of Mandamus directing the respondents to allot shop NO. G/L3 in gate No.5 at Periyar Vegetable Market or any other vacant shop in gate No.5 at Periyar Vegetable Market to the petitioner.

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Prayer in WP No.33359 of 2012 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to allot shop NO. E/L3 in gate No.5 at Periyar Vegetable Market or any other vacant shop in gate No.5 at Periyar Vegetable Market to the petitioner.

Prayer in WP No.33360 of 2012 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to allot shop NO. B/L4 in gate No.5 at Periyar Vegetable Market or any other vacant shop in gate No.5 at Periyar Vegetable Market to the petitioner.

Prayer in WP No.33361 of 2012 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to allot shop NO. F/L2 in gate No.5 at Periyar Vegetable Market or any other vacant shop in gate No.5 at Periyar Vegetable Market to the petitioner.

Prayer in WP No.33362 of 2012 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to allot shop NO. F/L3 in gate No.5 at Periyar Vegetable Market or any other vacant shop in gate No.5 at Periyar Vegetable Market to the petitioner.

Prayer in WP No.33514 of 2012 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to allot shop NO. E/L4 in gate No.5 at Periyar Vegetable Market or any other vacant shop in gate No.5 at Periyar Vegetable Market to the petitioner.

Prayer in WP No.33515 of 2012 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to allot shop NO. G/L2 and F/L5 in gate No.5 at Periyar Vegetable Market or any other vacant shop in gate No.5 at Periyar Vegetable Market to the petitioner.

Prayer in WP No.33516 of 2012 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to allot



shop NO. F/L4 in gate No.5 at Periyar Vegetable Market or any other vacant shop in gate No.5 at Periyar Vegetable Market to the petitioner.

Prayer in WP No.33517 of 2012 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to allot shop NO. D/L2 in gate No.5 at Periyar Vegetable Market or any other vacant shop in gate No.5 at Periyar Vegetable Market to the petitioner.

Prayer in WP No.31091 of 2012 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to allot shop No.E/L5 at gate No.5 or any other vacant shop at gate No.5 to the petitioner.

Prayer in WP No.31092 of 2012 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to allot shop No.B/L3 near gate No.5 or any other vacant shop at gate No.5 to the petitioner.

Prayer in WP No.31093 of 2012 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to allot shop No.G/L5 at gate No.5 or any other vacant shop at gate No.5 to the petitioner.

Prayer in WP No.31094 of 2012 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to allot shop No.F/L1 at gate No.5 or any other vacant shop at gate No.5 to the petitioner.

Prayer in WP No.31095 of 2012 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to allot shop No.C/L4 at gate No.5 or any other vacant shop at gate No.5 to the petitioner.

Prayer in WP No.20333 of 2013 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to allot shop No. C/L3 in gate No.5 at Periyar Vegetable Market or any other vacant shop in gate No.5 at Periyar Vegetable Market to the petitioner.

Prayer in WP No.10725 of 2010 : Writ Petition filed under Article 226 of the Constitution of India praying for the



issuance of Writ of Mandamus to call for the records of the 2nd respondent in his letter No. K5/10617/2009 dated 3.5.2010 quash the same and further direct him to allot the shop No. GL-2, situated in G-Block to an extent of 200 square feet in Koyambedu Vegetable Market, Koyambedu, Chennai as per his application No. K-4349 dated 10.12.2009.

Prayer in WP No.10728 of 2010 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus calling for the records of the 2nd respondent in his letter No.K5/10617/2009 dated 03.05.2010 quash the same and further direct him to allot the shop No.DL-3, situated in D-Block to an extent of 200 square feet in Koyambedu Vegetable Market, Koyambedu, Chennai as per his application No. K-4814 dated 10.12.2009.

Prayer in WP No.12539 of 2010 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus calling for the records of the 2nd respondent in his letter No. K5/10617/2009 dt 3.5.2010 quash the same and further direct him to allot the shop No. BL-3, situate in B-Block to an extent of 200 sq.ft. in Koyambedu Vegetable Market, Koyambedu chennai as per his application No.K 4228 dt 10.12.2009.

WP.Nos.	For Petitioners	For Respondents
33358 to 33362 of 2012 and 33514 to 33517 of 2012 and 31091 to 31095 of 2012	Mr.R.Syed Mustafa	Ms.Manisha (for R1 & R2) for Ms.Veena Suresh Mr.M.Rajasekhar (for R3) Mrs.Girija Velmurugan (for R4) No Appearance (for R5)
20333 of 2013	Mr.R.Syed Mustafa	Ms.Manish (for R1 & R2) for Ms.Veena Suresh
12539 of 2010	Mr.M.Rajasekhar	Ms.Manish (for R1 & R2) for Ms.Veena Suresh
10725 & 10728 of 2010	Mr.S.Thankasivan	Ms.Manish (for R1 & R2) for Ms.Veena Suresh

COMMON ORDER

Heard Mr.R.Syed Mustafa, learned counsel appearing for the petitioners, Ms.Manisha, learned counsel for Ms.Veena Suresh, learned counsel for R1 & R2, Mr.M.Rajasekar, learned counsel for R3 and Mrs.Girija Velmurugan, learned counsel for R4.



2.The petitioners claim to have been carrying on vegetable vendor business in the Kothawalchavady Market, George Town from 1984. However, as per the affidavits filed, they had purchased shops only from various dates in 2005 onwards in the market. They seek a mandamus directing the respondents to allot the shop either as specified by them in the prayer itself or any other vacant shop in the Periyar Vegetable Market.

3.My attention is drawn to a decision of this Court passed in W.A.No.170 of 2009 dated 16.04.2009 in K.Ramraj vs. Member Secretary, Chennai Metropolitan Development Authority and another, wherein also the prayer sought was a Certiorarified Mandamus quashing an order rejecting the request for allotment of the shop and seeking a consequential direction to the authorities to allot a shop in the Periyar Vegetable Market. Having heard the parties, the Division Bench passed the following orders:

'The appeal seeks to challenge the order passed by a learned single Judge disposing of the writ petition filed by the appellant. The appellant is having a shop at the Koyambedu Wholesale Market Complex in Chennai. A petition was filed by a Society formed by some of the vegetable vendors of this market and on that petition, an order was passed on 08th March 2000 that if the members of the petitioner society want any shop, they may apply when any shop falls vacant and they would be considered with preference. That order was passed on 08th March 2000. On some shops becoming vacant, an advertisement was given on 30th October 2001, no such allotment could be made in his favour. But, however, the learned Judge has observed that if there is any fresh allotment or change of allotment, the appellant is at liberty to apply for the same.

3.We do not see any reason to interfere with the impugned order passed by the learned Single Judge. Appeal stands dismissed. Consequently, the connected miscellaneous petition is also dismissed. There will be no order as to costs.'

4.The petitioners in these cases have admittedly not responded to the advertisements, and as such and as on date, they have lost their right for allotment of shops. The entire process of allotment has been carried out by public auction and after following due processes in this regard and as such the prayers of the petitioners for allotment of the shops at this distance of time and at this juncture, cannot be entertained.



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5. These writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

vs

To

1. Chennai Metropolitan Development Authority,
Represented by its Chairman,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

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

3. The Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Market Complex,
Chennai-600 092.

4. Chennai Metro Rail Limited,
Harini Towers,
No.7, Conron Smith Road,
Gopalapuram, Chennai-600 086.

+15ccs to Mr.R.Syed Mustafa, Advocate SR.No.11231, 11232, 11233, 11235, 11236, 11237, 11238, 11239, 11240, 11242, 11243, 11244, 11245, 11246, 11247.

+1cc to Ms.P.Veena Suresh, Advocate SR.No.11150

WP.Nos.33358 to 33362 of 2012 &
MP.Nos.1,1,1,1 & 1 of 2012 &
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WP.No.12539 of 2010 & MP.No.1 of 2010

RGN (CO)
GMY (23/05/2022)