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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.27808 of 2021

Chennai Metropolitan Development Authority
Koyambedu Market Spinach / Green Leaves Wholesale
Traders Upliftment Association, rep.by its President
V.Govindaraju, having office at No.J-1, Periyar
Kaikari Angadi, Koyambedu, Chennai 600 092. 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
Chennai - 600 017.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner representation dated 03.02.2021 for the allotment of shops at Gate No.5 or any other vacant shops in Koyambedu wholesale market complex, Koyambedu, Chennai 600 017 to the members of the petitioner Association.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mrs.Malarvizhi Udhayakumar
Standing Counsel



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 03.02.2021 for the allotment of shops at Gate No.5 or any other vacant shops in Koyambedu wholesale market complex, Koyambedu, Chennai 600 017 to the members of the petitioner Association.

2. The petitioner is an Association consisting of members who are involved in the trade of Spinach / Green Leaves at the Koyambedu Whole Sale Market Complex. The members of the petitioner association has already been allotted 58 number of shops. However, there are about 120 members in the petitioner association. So, the remaining members are not having any shop to continue their trade and in this regard, it is the grievance of the petitioner that, now 29 shops have been constructed near Gate No.5 and those 29 shops, if allotted to the members of the petitioner association on priority basis, either on rental basis or hire purchase basis, the members of the petitioner association are ready and willing to abide by any conditions to be imposed by the respondents in this regard.

3. Heard Mr.M.R.Jothimanian, learned counsel for the petitioner and Mrs.Malarvizhi Udhayakumar, learned Standing Counsel appearing for the respondents.

4. The learned Standing Counsel for the respondents, on instructions would submit that, whether the petitioner association is entitled to have the allotment of the 29 shops on priority basis or not would be decided by the respondents and in this regard, the representation submitted by the petitioner dated 03.02.2021 to the respondents would be considered and decided on merits within the time frame that may be stipulated by this Court.

5. Considering the said submissions made by the learned counsel for the parties, this Court is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the respondents to consider the representation of the petitioner dated 03.02.2021 and pass orders thereon, on merits and in accordance with law.
- It is made clear that it is open to the



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respondent CMDA to decide the said plea raised by the petitioner on behalf of the members of the petitioner association in this regard strictly in accordance with law, especially in the context of the provisions of the Act as well as the Rules governing the allotment of shops to the traders either on priority basis or otherwise, and accordingly the request of the petitioner association shall be decided on merits and final orders to that effect shall be communicated to the petitioner association within a period of eight weeks from the date of receipt of a copy of this order."

6. With these directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

KST

To

- 1.The 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
Chennai - 600 017.

+1cc to Mr.M.R.Jothimanian, Advocate SR.No.1211

+1cc to M/s.Malarvizhi Udayakumar, Advocate SR.No.571

W.P.No. 27808 of 2021

MT (CO)

CB(31/01/2022)