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WP.No.33371 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.33371 of 2022 &

W.M.P.No.32803 of 2022

Metropolitan Development Authority,
Koyambedu Market Spinach/Green Leaves
Wholesale Traders Upliftment Association,
Represented by its President V.Govindaraju
No.J-1, Periyar Kaaikari 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 0092.

... Respondents



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Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent bearing Communication No.K5/925/2022 dated 01.08.2022 and quash the same and consequently direct the respondents to allot the available 29 shops in GATE No.5 in the Koyambedu Market verandah to the members of the petitioner union.

For petitioner : Mr.V.Kannadhasan

For Respondents : Mr.C.Manoharan
Standing Counsel for the respondents

ORDER

This writ petition has been filed to quash the impugned Communication dated 01.08.2022 and consequently direct the respondents to allot the available 29 shops in GATE No.5 in the Koyambedu Market verandah to the members of the petitioner union.

2. It is the case of the petitioner that the petitioner association is a registered association bearing Registration No.1/1999 under the Tamil Nadu Societies Registration Act 1975 formed with an object to secure allotment of shops to the members at the Koyambedu Market Complex and



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at other mercantile places and to take care to the rights and needs of its members. Originally in 1970's and 1980's all the members of the petitioner association were carrying on sale of greens and spinach at Kothaval Chavadi Market. Based on the assurance given by the respondents at the time of eviction from Kothaval Chavadi an advertisement was issued on 15.05.2005 calling for applications from the members of the petitioner union for allotment in the open verandah of H, I, J, K, L, M & N blocks of vegetable market giving preference to the members of the petitioner union. The market management committee identified only 70 members of the petitioner association out of 120 members for allotment of shops at Gate No.9. However, allotment of shops was made only to 58 persons leaving out the remaining 62 members. Hence, present Writ Petition has been filed for a direction to the respondents to allot the remaining shops to the members of the petitioner association.

3. Mr.C.Manoharan, Standing Counsel takes notice for the respondents.



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4. I have perused entire materials available on record. Even in an earlier occasion, the Writ Petitioner filed a Writ Petition in W.P.No.27808 of 2021 wherein this Court had passed the following Order :

“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 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.”

5. It is to be noted that when the allotment has been made only on the basis of rules and regulations as per law, as matter of fact, the petitioner



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cannot seek for allotment of the remaining shops based on their representation alone. In such view of the matter, the respondent shall conduct auction for remaining shops within a period of two months from the date of receipt of a copy of this Order and the members of the petitioner association are at liberty to participate in the auction as per law.

6. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed No costs.

12.12.2022

vrc

To,

1. The Member Secretary,
Chennai Metropolitan Development Authority,
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,
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Koyambedu Whole Sale Market Complex,
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N.SATHISH KUMAR, J.

VRC

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