



W.P.No.5114 of 2016

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.01.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.5114 of 2016

Chennai Pushpa Vyabarigal and Commission

Agentugal Sangam,

Rep. by its President Mr.Uthappan,

FA-11, Kamarajar Malar Angadi,

Koyambedu, Chennai - 600 092

having office at

No:18/2, Gangaianman Koil Street,

T.Nagar, Chennai - 600 017.

... Petitioner

Vs

1.The Member Secretary,

Chennai Metropolitan Development Authority,

1, Gandhi Irwin Road, Chennai - 600 008.

2.Mr.Baskaran,

Chief Administrative Officer,

Market Management Committee,

Koyambedu wholesale market complex,

Chennai - 600 092.

3.Mr.Srinivasa Rao,

Superintending Engineer (Circle-1 Construction Wing),

Chennai Metropolitan Development Authority,

1, Gandhi Irwin Road, Chennai - 600 008.



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4.Munir Babu,
Assistant Executive Engineer (Division-II, Construction Wing),
Chennai Metropolitan Development Authority,
1, Gandhi Irwin Road, Chennai - 600 008.

5.D.Gnanamoorthy,
Assistant Engineer, (Division-II, Construction Wing),
Chennai Metropolitan Development Authority,
1, Gandhi Irwin Road, Chennai - 600 008.

6.Oom.Narayanan,
Superintending Engineer (Circle-I), Construction Wing,
Retired, 1, Gandhi Irwin Road,
Chennai - 600 008.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the first respondent to initiate action through enquiry against the respondents 2 to 6 who have committed grave irregularity in carrying out the works relating Re-Tender Notice No:3/2013-2014 and agreement No:CR4/2013-2014 dated 21.01.2014 and to file report of the said enquiry against the concerned respondents and submit such report before this Hon'ble Court within a time frame as directed by this Hon'ble Court.

For Petitioner : No appearance

For Respondents : Ms.S.A.Mahisha Kirthika
for Mr.C.N.Vinobha
Standing Counsel - R1

No appearance - R2 to R5

Left - R6



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ORDER

There is no representation for the petitioner.

2.This writ petition is filed by the Chennai Pushpa Vyabarigal and Commission Agentugal Sangam seeking mandamus directing R1/the Member Secretary, Chennai Metropolitan Development Authority to initiate action against R2 to R6 who are named officials of the Market Management Committee, Koyambedu Wholesale Market Complex and the Chennai Metropolitan Development Authority.

3.The basis of the prayer is that R2 to R6 have committed several irregularities in the works relating to Re-Tender Notice bearing No:3/2013-2014 and agreement No:CR4/2013-2014 dated 21.01.2014.

4.A voluminous compilation of documents has been filed on 08.02.2016 which contains three measurement books and responses received from the authorities on the applications filed by members of the petitioner Sangam under the Right to Information Act, 2005. Since a consideration of the prayer sought for by the petitioner would entail detailed verification of facts, it is appropriate that the issues that have been put forth by the petitioner be likewise placed before the first respondent for his consideration.



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5.Thus, while dismissing this writ petition as mandamus as sought for cannot be issued, the petitioner or its members are granted liberty to make representation before R1 seeking appropriate relief.

6.This writ petition is dismissed. No costs.

kbs

23.01.2023

Index : Yes / No

Speaking Order/Non-Speaking Order

To

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
1, Gandhi Irwin Road, Chennai - 600 008.
- 2.Mr.Baskaran,
Chief Administrative Officer,
Market Management Committee,
Koyambedu wholesale market complex,
Chennai - 600 092.
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Dr.ANITA SUMANTH, J.

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