



W.P.No.16301 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.16301 of 2017
and
W.M.P.No.17632 of 2017

Chennai Koyambedu Market Pathikkapatta
L.M.N.Vyabarigal Nalasangam,
Rep.by its President M.S.Moorthy
at L1, M44 Kaikari Angadi,
Koyambedu,
Chennai – 600 092

... Petitioner

Vs.

- 1.Chennai Metropolitan Development Authority,
Represented by its Chief Executive Officer,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.
2. Chennai Metro Rail Ltd,
Rep.by its Deputy Collector/Estate Officer,
At Harini Towers,
No.7, Conran Smith Road,
Gopalapuram,
Chennai – 600 086.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the 2nd respondent to pay the dispose off the representation of the petitioner dated 29.05.2017.



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For Petitioner : Mr.M.Raja Sekhar
For R1 : Mr.C.N.Vinobha
For R2 : Mrs.Rita Chandrasekaran

ORDER

This Writ Petition has been filed seeking a direction by way of Mandamus, to the 2nd respondent to consider the representation of the petitioner dated 29.05.2017 and to pass order.

2.(a) Today, the second respondent/Chennai Metro Rail Limited has filed a memo stating that for construction of Koyambedu wholesale market complex, the petitioner's premises was taken over to facilitate the construction of CMRL Depot located at Koyambedu.

(b). The subject work was awarded on January 2014 and the site was handed over to the second respondent on 27.04.2014. Since there was lot of agitation and opposing of the construction work, the co-ordination meeting was conducted at the office of CAO, KWMC and work was commenced in the month of July 2014.



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(c). Till such time, the vendors were allotted temporary shops and CMRL took charge of paying rent to all 31 vendors. The amount has been disbursed from 23.08.2012 to 23.05.2015, which comes to Rs.44,00,849/- . The said shops were handed over back to the vendors on 16.03.2015.

3. A copy of this memo is also served to the learned counsel for the petitioner.

4. According to the petitioner, he disputes the facts mentioned in the Paragraphs 3 and 4 therein. However, he wanted to settle amount as stated in Paragraphs 4 and 5 of the memo. Though I find that this is beyond the scope of the writ petition, considering the fact that the matter has been pending since 2014, without prejudice to the rights and contention of the both the parties, since the second respondent Chennai Metro Rail, as per the memo, has fairly conceded to pay a sum of Rs.9,25,824/- towards rental charges to the petitioner's association for the period 16.03.2015 to 31.10.2015, work out to 230 days, within a period of



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four weeks .

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5. The other condition that as to whether the possession has been handed over in the year 2015 or 2017, is left open to the petitioner to be agitated before the appropriate forum.

6. The learned counsel for the petitioner would contend that since the second respondent has admitted its liability for a sum of Rs.9,25,824/- , the representation of the petitioner has to be considered by the first respondent, for the balance amount, without prejudice to the contention of the first respondent and the same shall be disposed of as per the rules, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ petition is disposed of. No costs. Consequently, connected W.M.P is closed.

06.03.2023

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Internet:Yes/No

Speaking order:Yes/No

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To

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RMT.TEEKAA RAMAN,J.,

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