



WEB COPY



W.P.Nos.17344, 17346 and 17350 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2024

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.17344, 17346 and 17350 of 2021

and

W.M.P.Nos.18371, 18372, 18375, 18377, 18379 & 18381 of 2021

[W.P.No.17344 of 2021]

T.Gunamani

... Petitioner

Vs.

1.Chennai Metropolitan Development Authority,
Rep by its The Member Secretary,
(Koyambedu Wholesale Market Complex),
Thalamuthu-Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.Chennai Metropolitan Development Authority
The Chief Executive Officer,
(Koyambedu Wholesale Market Complex),
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

3.The Senior Estate Officer (E / IC)
(Koyambedu Wholesale Market Complex),
CMDA / ADU/KWMC / SPL.PROJECTS
(Allotment DN),
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,



W.P.Nos.17344, 17346 and 17350 of 2021

Egmore, Chennai-600008.

... Respondents

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PRAYER in W.P.No.17344 of 2021: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, to direct the respondents to allot the vacant shop bearing No.G.L.-3 an extent of about 160 Sq.ft. instead of shop bearing no.N/P/36 to the petitioner by way of transfer.

For Petitioner : M/s.R.Siva Kumar
for M/s.K.M.Vijayan Associates

For Respondents : Mrs.P.Veena Suresh, standing counsel
: Mrs.Rani Selvam
Advocate Commissioner.

[W.P.No.17346 of 2021]

M.Bhaktavatchalam

... Petitioner

Vs.

1.Chennai Metropolitan Development Authority,
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(Koyambedu Wholesale Market Complex),
Thalamuthu-Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.Chennai Metropolitan Development Authority
The Chief Executive Officer,
(Koyambedu Wholesale Market Complex),
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.



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3.The Senior Estate Officer (E / IC)
(Koyambedu Wholesale Market Complex),
CMDA / ADU/KWMC / SPL.PROJECTS
(Allotment DN.),
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600008.

... Respondents

PRAYER in W.P.No.17346 of 2021: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, to direct the respondents to allot the vacant shop bearing No.G.L.-4 an extent of about 160 Sq.ft. instead of shop bearing no.N/P/31 to the petitioner by way of transfer.

For Petitioner : M/s.R.Siva Kumar
for M/s.K.M.Vijayan Associates

For Respondents : Mrs.P.Veena Suresh, standing counsel
: Mrs.Rani Selvam
Advocate Commissioner.

[W.P.No.17350 of 2021]

D.Karthikeyan

... Petitioner

Vs.

1.Chennai Metropolitan Development Authority,
Rep by its The Member Secretary,
(Koyambedu Wholesale Market Complex),
Thalamuthu-Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.



W.P.Nos.17344, 17346 and 17350 of 2021

2.Chennai Metropolitan Development Authority

The Chief Executive Officer,
(Koyambedu Wholesale Market Complex),
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

3.The Senior Estate Officer (E / IC)

(Koyambedu Wholesale Market Complex),
CMDA / ADU/KWMC / SPL.PROJECTS
(Allotment DN.),
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600008.

... Respondents

PRAYER in W.P.No.17346 of 2021: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, to direct the respondents to allot the vacant shop bearing No.G.L.-5 an extent of about 160 Sq.ft. instead of shop bearing no.N/P/34 to the petitioner by way of transfer.

For Petitioner : M/s.R.Siva Kumar
for M/s.K.M.Vijayan Associates

For Respondents : Mrs.P.Veena Suresh, standing counsel
: Mrs.Rani Selvam
Advocate Commissioner.

COMMON ORDER

The above Writ petitions have been filed for a direction directing the respondents to allot alternate vacant shops to the petitioners.



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2. The issues involved in the writ petitions are one and the same and as such, this Court is inclined to pass common order.

3. The 2nd respondent after completion of Wholesale Market Complex at Koyambedu invited applications from various small vendors to apply for floor space (platform shops) in 'A' to 'N' blocks to accommodate nearly 315 platform shops spread over in all the aforesaid blocks. Accordingly, the petitioners submitted applications and they were allotted shops nos.N/P. 31, 34 and 36 respectively. Accordingly, the petitioners were informed about their allotment on agreement cum sale and directed to pay a sum of Rs.580/- per sq.ft. and subsequently Rs.715/- Sq.ft. with effect from the month of September 1996. Accordingly, the petitioners had entered into an agreement. Now, the petitioners find it difficult to enter into their respective platform shops since there are obstructions and sought for alternate shops instead of their originally allotted shops. Therefore, this Court appointed an Advocate Commissioner to inspect their respective allotted shops to find out whether there is any blockage in the said complex to access their shops and if it is so, to find out whether there is any other access to enter into the shops.



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4. The learned Advocate Commissioner inspected the premises and filed a report before this Court on 21.08.2024. On perusal of the report submitted by the learned Advocate Commissioner, revealed that the Gate Nos.12 and 13 are very much available to access the petitioners' respective shops. Further, there is no blockage to access their respective shops.

5. On perusal of the counter filed by the 1st respondent and also on the submissions made by Mrs.P.Veena Suresh, standing counsel for the respondents, revealed that the shops nos.31, 34 and 36 were allotted to the respective petitioners by tender auction. The shops were allotted to the petitioners in the year 1996 and after a period of 25 years they submitted representations seeking allotment of alternate shops. Further, no shops were allotted to any person in the block called G-L since the said area/portions mentioned are meant for loading and unloading.

6. In view of the above, the request made by the petitioners cannot be considered. As such these writ petitions are devoid of merits and liable to be dismissed. Accordingly, these writ petitions are dismissed. Consequently, the connected Miscellaneous Petitions are closed. However, the respondents



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must ensure that the respective shops of the petitioners shall be kept for the usage of the petitioners alone.

7. On 31.07.2024, this Court ordered additional remuneration of Rs.50,000/- to the learned Advocate Commissioner payable by the respondents instead of petitioners. It is clarified that the petitioners shall pay the additional remuneration of Rs.50,000/- to the learned Advocate Commissioner within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

21.08.2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
(shr)



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To

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G.K.ILANTHIRAIYAN, J.

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