



WP.No.24300/2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.11.2024

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.24300/2017 & WMP.Nos.25708 & 25710/2017

M.Nagarajan

... Petitioner

Versus

1.The Member Secretary

**Chennai Metropolitan Development Authority
Thalamuthu Natarajar Maaligai
No.2, Gandhi Irwin Road
Egmore, Chennai 600 008.**

2.The Chief Executive Officer

**Chennai Metropolitan Development Authority
Thalamuthu Natarajar Maaligai
No.2, Gandhi Irwin Road
Egmore, Chennai 600 008.**

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the records pertaining to the issue of the order in proceedings vide Letter No.K5/931/2010 dated 27.04.2016 duly passed by the Chief Executive Officer, Chennai Metropolitan Development Authority, Thalamuthu Nataraja Maligai, No.2, Gandhi Irwin Road, Egmore, Chennai 600 008, the



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2nd respondent herein and quash the same and direct the respondents 1 and 2 to allot 2 kiosks vide Platform shop Nos.T/C/P10 and T/C/P11 situated next to T/C44 to the petitioner on charges as per the tariff maintained by the CMDA in this connection.

For Petitioner : Mr.D.Ashok Kumar
For Respondents : M/s.P.Veena Suresh
Standing counsel

ORDER

- (1) The writ petition has been filed in the nature of writ of certiorarified mandamus seeking records relating to proceedings in Letter No.K5/931/2010 dated 27.04.2016 duly passed by the Chief Executive Officer, Chennai Metropolitan Development Authority, Chennai and quash the same and direct respondents 1 and 2 to allot 2 kiosks vide Platform shop Nos.T/C/P10 and T/C/P11 situated next to T/C44 to the petitioner on charges as per the tariff maintained by the CMDA.
- (2) In the affidavit filed in support of the writ petition, it had been stated by the petitioner that in Anna Fruit Market at Koyambedu, 171 shops are vacant and that, shop Nos.T/C/P10 and T/C/P11 are next to his shop and therefore, it would be convenient for him if the said shops



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are also allotted to him.

(3) Unfortunately, it cannot be allotted to a private individual in accordance with the wishes of any private individual. The shops will have to be auctioned and the highest bidder will be allotted the shops. That is the procedure under which shops can be allotted by the respondents.

(4) A counter affidavit had been filed on behalf of respondents wherein it had been very specifically stated that auction was conducted and drawal of lots was held on 20.11.1998 and 97 applicants were selected for each one of 97 shops and Allotment Order was issued on 17.11.1999. It had also been stated with specific reference to the two shops for which the petitioner seeks priority of allotment to him namely T/C/P10 and T/C/P11, had been allotted to two individuals Rajamanickam and Mani. It had been further stated that Sale Deed had also been executed in favour of Mani on 31.07.2023.

(5) Since the petitioner claims right to be allotted merely because he is a neighbour, the said stand cannot be countenanced by this Court. Third party rights have accrued. They have been duly allotted. The



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petitioner cannot seek any special right for himself. If ever there are any vacancies in future, whenever the respondents call for tender or auction, the petitioner can, provided he is qualified and is eligible to participate in the auction, may certainly participate in the auction. But the shops cannot be allotted according to the wish and fancies of the petitioner herein. The relief sought in the writ petition does not survive since the shops have already been allotted to Rajamanickam and Mani and they are in possession.

- (6) Hence, the writ petition stands **dismissed**. No costs. Consequently, connected miscellaneous petitions are closed.

08.11.2024

AP

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



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To
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C.V.KARTHIKEYAN, J.,



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