



WP No. 3755 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-03-2025

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CORAM

THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP No. 3755 of 2024

N.Indra
W/o.P.Natarajan,
No.56/14, 2nd Street, Golden Avenue,
Sadayankuppam Pattai, Nethaji Nagar
Main Road,
Thiruvottiyur, Chennai 600 019.

Petitioner(s)

Vs

1. The Member Secretary
Chennai Metropolitan Development
Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.The Chief Executive Officer,
Chennai Metropolitan Development
Authority,
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008.



3.The Chief Administrative Officer,
Market Management Committee,
Koyambedu Whole Sale Market
Complex,
Koyambedu, Chennai 600 107.

4.Mrs.J.Vijayalakshmi
R4 impleaded as per order dated
04.03.2024 in Wmp.6405/2024 in
Wp.3755/2024)

Respondent(s)

PRAYER: This Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to renew petitioner license for the period 01.04.2021 to 31.03.2024 based on petitioner application No.6960 dated 12.03.2021 which is pending on the file of the third respondent herein in the interest of justice.

For Petitioner(s): Mr.V.K.Sathiamurthy

For Respondent(s): M/s.Veena Suresh
Standing Counsel for R1 to R3
M/s. M.Rajasekhar For R4

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents to renew petitioner's license for the period from 01.04.2021 to 31.03.2024 based on petitioner application No.6960 dated 12.03.2021 which is pending on the file of the third respondent herein.



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2. At the outset, the learned Standing Counsel appearing for the respondents 1 to 3 would submit that, in W.P.No.37950 of 2016 filed by one D.Bakthavachalu & Co., seeking cancellation of the allotment, which is done in favour of the third respondent namely N.Indra, the petitioner herein, this Court had disposed of the writ petition on 10.01.2025. The relevant portion is of the order is extracted hereinunder:

“15. Considering the above facts and circumstances of the case, and taking note of the fact that the Hon'ble Apex Court while dismissing the SLP No.8202 of 2011 & SLP (C) No.36488 of 2011 filed by the petitioner & others had clearly interpreted the Judgment of the Hon'ble Division Bench of this Court in W.A.No.562 of 2007 by indicating the fact that once the allotment has been held to be illegal, all the candidates including the previous candidate and any other new candidate, who may apply for the same would be eligible to be considered at par, therefore, this Court hereby directs the respondents to conduct fresh auction in accordance with law after duly complying with the orders passed by the Hon'ble Apex Court and Hon'ble Division Bench of this Court, stated supra, as early as possible, preferably within a period of two months from the date of receipt of copy of this order. It is made clear that all the auctions conducted earlier with regard to these shops shall stand cancelled. The Officials, who have colluded with the individuals and shown disregard to the Judgment of the Hon'ble Apex Court are to be tried with appropriate enquiry and to be proceeded in accordance with law. Also, the authorities, shall initiate departmental action against the officials, [either in service or retired] whoever caused loss to CMDA and recovery shall be initiated for the sustained loss for the above shops. All the shop owners to be evicted on or before 31 March, 2025.



Accordingly, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.”

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3. The learned Standing Counsel would further submit that, in the said order while cancelling the allotment order for Shop No.J-112 in Koyambedu Periyar Vegetable Market, this Court directed the respondents to conduct a fresh auction in accordance with law in terms of the order passed by the Hon'ble Apex Court and Hon'ble Division Bench of this Court. It is also submitted that the petitioner made an application on 12.03.2021, seeking to renew the petitioner's licence for the period from 01.04.2021 to 31.03.2024, which has already been lapsed.

4. Since the period for which the petitioner sought renewal of the petitioner's licence has already expired/lapsed, and hence, nothing survives for further adjudication in this writ petition. Accordingly, the Writ Petition is closed. No costs.

14-03-2025

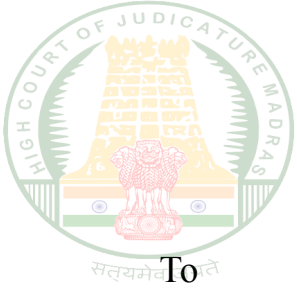
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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