



W.P.No.38871 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated:25.04.2025

Coram

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.38871 of 2024

K.Rajavel,
S/o Kothandam Gounder,
Panankadu Village,
Vallendaraman Post,
Anaicut Taluk.

.. Petitioner

/versus/

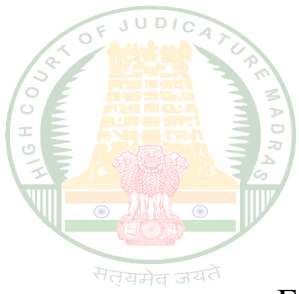
1.The District Collector,
Vellore District, Vellore-9.

2.The Commissioner,
Vellore Corporation, Vellore District,
Vellore.

3.The Managing Director,
Vellore Whole sale Estate Ltd.,
Merchants Association,
T.P.K.Nagar, Katpadi Road, Vellore.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the representation dated 04.09.2024 to allot the shop for running vegetable shop in the proposed market at Melmonavur, Vellore district, within the stipulated time under the circumstances of the case.



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For Petitioner :Mr.R.T.Sundari

For Respondents :M/s R.L.Karthika, GA for R1

M/s P.S.Prabhu, Standing counsel for R2

Mr.Adithyha Varadarajan for R3

ORDER

The writ petition is filed to direct the first respondent to consider the representation of the petitioner dated 04.09.2024, to allot a shop for selling vegetables in the proposed market at Melmonavur, Vellore District.

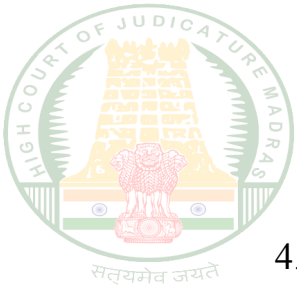
2.The learned counsel appearing for the petitioner submitted that the petitioner is a small farmer cultivating seasonal vegetables. He has been selling these vegetables in the Nethaji Market, Vellore, and has been engaged in this business for over 30 years, since his childhood. He relies solely on this income, which is derived from the marginal profits of his vegetable business. Furthermore, he submitted that the petitioner regularly pays rent for the shop at No.C.5 in Nethaji Market, where he conducts his vegetable business.



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3.The learned counsel for the petitioner further submitted that the State Government has approved the relocation of the market currently situated in Nethaji Market, Vellore, to Melmonavur. The proposed site spans 30 acres and will consist of 997 shops, which are to be constructed by the third respondent, Vellore Wholesale Estate Limited, Merchants Association, Vellore. The petitioner, along with R.V. Kannan, deposited a challan of Rs.5,000/- as an advance, along with an arrear of rent amounting to Rs. 30,000/-, with the third respondent in 2002. The learned counsel also submitted that after finding that his name was not listed among the allottees, the petitioner approached the third respondent several times. Since he did not receive a response, the petitioner sent a legal notice dated 20.11.2020 through his counsel to the third respondent. In reply, on 02.12.2020, the third respondent rejected the petitioner's request, stating that the petitioner is not a member of the association. The petitioner subsequently sent a representation on 04.09.2024, requesting the third respondent to consider his case. As his representation has not been considered by the third respondent, the petitioner has filed the present writ petition.



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4.The learned counsel appearing for the third respondent submitted that the proposed market constructed by the third respondent at Melmonavur consists of 964 shops of which the approval was given by the DTCP only for construction of 846 shops. He further submitted that 250 shops are allocated for vegetable sales, out of which 127 are big shops and 123 are small shops. The total area of the market is approximately 35 acres and around 20 acres that is the 65% of the land is reserved as open space.

5. The counsel also mentioned that the proposed market will have an extent of 50 acres. Additionally, he submitted that the 964 shops were allotted to individual's who purchased shares in the year 1998 and onwards, and it is only with the shares that the proposed market is being constructed by the third respondent association.

6. The petitioner has not submitted any proof that he is conducting a vegetable business in the existing Nethaji Market, Vellore. Moreover. According to the instructions of the third respondent, the petitioner is not engaged in the vegetable business at the market, which is contrary to the petitioner's claim



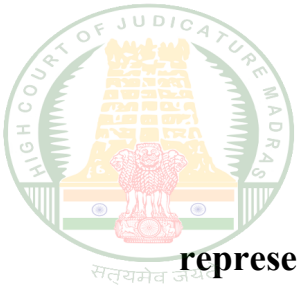
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7. The learned counsel for the third respondent further submitted that since there are 250 vegetable shops, they can only be allotted to members of the association, and the petitioner is an outsider. He also submitted that the petitioner is not a member of the association as of now. The petitioner submitted a representation dated 04.09.2024, but the third respondent cannot consider it, as the association is a private entity. Therefore, the writ petition is not maintainable against the third respondent

8. Heard both sides and perused the materials available on record.

9. **In the present case, the proposed market at Melmonavur, Vellore District, is being constructed by the third respondent association, and the shops will be allotted only to those, who have purchased shares and are members of the association. No outsider will be allotted a shop. In total, 964 shops have been constructed, of which 250 are designated for vegetable shops, with 127 being big and 123 being small. These shops will be allotted solely to the shareholders and members of the association. Although the petitioner submitted a**



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representation dated 04.09.2024, it has not been considered. The third respondent cannot be directed to consider the representation, as it is a private association. Therefore, the writ petition will not lie against the third respondent.

10. In light of the above observations, the writ petition stands disposed of. No costs.

25.04.2025

Index:yes/no

Speaking order/non speaking order

Neutral citation:yes/no

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To

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Vellore District, Vellore-9.

2.The Commissioner,
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Vellore.

3.The Managing Director,
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J.SATHYA NARAYANA PRASAD, J.

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