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WP No. 42473 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 42473 of 2025

and WMP Nos. 47521 and 47518 of 2025

G.Thulasi

Petitioner(s)

Vs

1. The Member Secretary
Chennai Metropolitan Development
Authority (cmda) Thalamuthu
Natarajan Maligai,
No.1 Gandhi Irwin Road
Egmore, Chennai 08.

2.The Chief Executive Officer
Chennai Metropolitan Development
Authority (CMDA)
Thalamuthu Natarajan Maligai,
No.1 Gandhi Irwin Road,
Egmore Chennai 08

3.The Superintending Engineer
Circle I Construction Wing,
Chennai Metropolitan Development
Authority (cmda) E Road Koyambedu
Chennai 107

Respondent(s)

PRAYER; Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent in proceedings in E-Tender Notice No. 14/ 2025- 26 dated 24.09.2025 in seeking to auction the godown cum shop no. VG- 88 Vegetable market at Koyambedu Wholesale market complex, Koyambedu Chennai 92 and



quash it in so far as the said shop is concerned and further direct the respondents to execute a sale deed in respect to the shop VG- 88 at Vegetable wholesale market complex, Koyambedu to the petitioner.

For Petitioner(s): Mrs.V.Srimathi
For Respondent: Mr.V.Sudalai Selvan for CMDA

ORDER

This Writ Petition is filed to quash E-Tender Notice No. 14/ 2025- 26 dated 24.09.2025 in seeking to auction the godown cum shop no. VG- 88 Vegetable market at Koyambedu Wholesale market complex, Koyambedu Chennai 92 and further direct the respondents to execute a sale deed in respect to the shop VG- 88 at Vegetable wholesale market complex, Koyambedu to the petitioner.

2. It is the case of the petitioner that her husband Late K.Gajapathy was allotted shop No.B-97 on 15.09.1994, which was cancelled on 15.04.1994 for non-payment of arrears of Rs.1,15,028/- The said amount was paid on 27.04.1994. Thereafter, litigation ensued and the Hon'ble Division Bench by order dated 19.04.2006 in Rev. Appln.No.49 of 2004 granted liberty to apply for alternate shop and directed CMDA to consider if available. Pursuant thereto, application was made for shop No.VG-88 which was rejected on 07.02.2019. Therefore, the petitioner filed a writ petition No.21185/2019, wherein this Court



granted interim order dated 18.07.2019, directing the respondent to keep one shop vacant if available as on date. The petitioner contends that despite the said interim order, the 3rd respondent issued E-Tender Notice dated 24.09.2025 including VG-88 for auction at an upset price of Rs.22,54,88,000/- Challenging the said order, the present writ petition.

3. The learned counsel for the respondent submitted that WP.No.21185 of 2019 was dismissed as withdrawn on 12.03.2021 at the instance of the petitioner. On withdrawal of the main writ petition, the interim order dated 18.07.2019 stood vacated automatically and cannot be enforced. The interim order dated 18.07.2019 was conditional – “if available as on date” On 18.07.2019, no shop/godown was vacant and readily available for allotment. Therefore, the order was incapable of compliance. The Division Bench order dated 19.04.2006 only directed “consideration” of the application. It did not confer any vested right of allotment. The application was considered and rejected on 07.02.2019. The original cause of action arose on 15.04.1994. Therefore, the present writ petition is filed on 03.11.2025 after 31 years, is barred by delay and laches. Further, godown VG-88 is an unsold residual property. CMDA is entitled to dispose of it through public tender to realise market value and no illegality is involved in the impugned notice. Therefore, the learned counsel prays that this writ petition is liable to be dismissed.



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

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5. It is not in dispute that WP.No.21185 of 2019 was dismissed as withdrawn on 12.03.2021 at the instance of the petitioner. The law is well settled that an interim order is co-terminous with the main proceeding. When the main writ petition is withdrawn or dismissed, all interim orders passed therein merge with the final order and cease to have any force. Therefore the petitioner cannot seek to enforce the interim order dated 18.07.2019 in the present proceeding. The said order does not survive.

6. A careful reading of the order in review application No.49/2004 shows that the Division bench only granted liberty to the petitioner to make an application and directed CMDA to consider the same if an alternate shop was available. This Court cannot construe the said observation as a positive direction or mandamus to allot a specific godown. The application was considered and rejected on 07.02.2019. In the absence of any allegation of malafides, this Court cannot substitute its own decision for that of the administrative authority.

7. Further, the cancellation of allotment was on 15.04.1994. The payment of Rs.1,15,028/- was made on 27.04.1994. The Division bench order granting liberty was passed on 19.04.2006. The petitioner approached the respondents for alternate allotment only in 2019 i.e. after 31 years. After withdrawal of



W.P.no.21185/2019 in 2021, the present writ petition is filed in 2025. The petitioner has not offered any plausible explanation for the inordinate delay of 31 years from the original cause of action. The writ remedy is discretionary and equitable, and a party who is not vigilant cannot be granted relief.

8. Further, in the absence of any subsisting interim order or statutory bar, the 3rd respondent is well within its administrative domain to issue a tender for disposal of unsold properties. The fixation of upset price of Rs.22,54,88,000/- for godown VG-88 is a matter of policy. This Court, under Article 226, does not sit in appeal over administrative decisions unless they are shown to be arbitrary, unreasonable or violative of Article 14 of the Constitution. No such ground have been made out.

9. The petitioner has also contended that she was allotted a shop as early as on 09.03.1994 by Public lots. However, the records filed show the allotment of shop No.B-97 was on 15.09.1994. The discrepancy is not explained. In any event, the claim is stale.

10. However, it is made clear that if the petitioner is aggrieved by the non-refund of the amount of Rs.1,15,028/- paid on 27.04.1994, she is at liberty to work out her remedies in accordance with law before the appropriate forum for refund of the said amount with applicable interest. This Court is not expressing any opinion on the said claim.



11. For the foregoing reasons, this Court finds no merits in the writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

04-11-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

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To

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M.DHANDAPANI J.

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