

ITEM NO.4

COURT NO.9

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8202/2011

(From the judgement and order dated 07/02/2011 in WA No.562/2007 of The
HIGH COURT OF MADRAS)

M/S BAKTHAVACHALU & CO.TR.PARTNER

Petitioner(s)

VERSUS

P.CHENNAMMAL & ORS.

Respondent(s)

(With appln(s) for permission to file rejoinder affidavit,exemption from
filing O.T. and prayer for interim relief and office report)

WITH SLP(C) NO. 36488 of 2011

(With office report)

Date: 26/11/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s)

Mr. K.K. Mani,Adv.

Mr. A. Lakshminarayan, adv.

Mr. A. Muthuraman, Adv.

SLP 8202/2011 Mr. V. Krishnamurthy, Sr.Adv.

Mr. T. Harish Kumar

For Respondent(s)

Mr. M. Yogesh Kanna,Adv.

Ms. Vanita Chandrakant Giri, Adv.

Mr. A. Santa Kumaran, Adv.

SLP 36488/2011

Mr. V. Krishnamurthy, Sr.Adv.

Mr. T. Harish Kumar,Adv.

Mr. K.K. Mani, Adv.

Mr. A. Lakshminarayan, Adv.

Mr. A. Muthuraman, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties at length.

We are not inclined to interfere with the order passed by the High Court. The special leave petitions

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are, accordingly, dismissed.

However, we find that the High Court has unnecessarily directed that in case the appellant and the Respondent No.1 make an application, they shall be given preference over the other applicants.

We see no reason as to why such preference has been given to any applicant. Once the allotment has been held to be illegal and set aside, and the High Court had directed that a fresh allotment be made as per law, then all candidates including the previous candidate and any other new candidate who may apply for the same would be eligible to be considered at par.

It is also brought to our notice by the learned counsel for the appellant that he is still in possession of the shop. The High Court, having quashed the allotment, ought to have issued a further direction that the possession be surrendered to the respondent-Authority. Since no direction has been issued, we hereby direct that the appellant shall surrender vacant possession of the aforesaid shop to the respondent-Authority within a period of two months. The respondent No.2 - Corporation is directed to refund the security amount deposited by the appellant within a period of four weeks of the receipt of copy of this order.

(Sukhbir Paul Kaur)
Court Master

(Indu Bala Kapur)
Court Master