

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 15.04.2015

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No.10852 of 2015

Chennai Pushpa Viyabarigal and
Commission Agentugal Sangam
Rep. by its President Mr.Uthappan
No.18/2 Gangaianman Koil Street
T.Nagar Channi-17.

and also FA 11, Kamarajar Malar Angadi,
Koyambadi, Chennai - 92.

...Petitioner

v.

- 1 The Member Secretary
Chennai Metropolitan Development Authority
No.1 Gandhi Irwin Road,
Egmore, Chennai-600 008.
- 2 The Chief Administrative Officer,
Market Management Committee,
Koyembadu Wholesale Market Complex
Chennai- 600 092
- 3 The Commissioner of Police
Vepery, Chennai-600 007
- 4 The Commissioner, सत्यमेव जयते
Corporation of Chennai,
Chennai-600 003

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to implement the G.O.Ms.No.10, Housing and Urban (UD 3-1) Department, dated 6.1.2012 and consequently to initiate action under

Section 379(a) of the Rules CCMC Act to evict the said Retailers within a time frame as may be fixed by this Honourable court.

For Petitioner : Mr.M.Kemp raj

For Respondents : Mr.M.Karthikeyan - for R1

Mr.R.Vijayakumar,
Addl. Govt. Pleader - for R3

Mr.T.C.Gopalakrishnan - for R4

ORDER

By consent, the writ petition is taken up for final disposal.

2. The grievance expressed by the petitioner is that in spite of very many orders passed in W.P.Nos. 26053/2004, 29809/2004 & 12909/2004, 4150, 4153, 4142, 4340, 4340, 4915 & 4916 of 2010, 2059/2010 and W.A.No.693 of 2011, the first respondent is not implementing G.O.Ms.No.10, Housing and Urban (UD 3-1) Department, dated 6.1.2012 and in this regard, he has submitted a representation dated 10.07.2012 followed by a lawyer's notice dated 31.01.2015 to the respondents. Though the representations were acknowledged, no action is forthcoming and hence, he came forward to file the present writ petition.

3. Heard the submissions of Mr.M.Kemp raj, learned counsel appearing for the petitioner and Mr.M.Karthikeyan, learned counsel, who accepts notice for the 1st respondent, Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice for the 3rd respondent and Mr.T.C.Gopalakrishnan learned counsel, who accepts notice for the 4th respondent.

4. Though the prayer in the writ petition is for the larger relief, the learned counsel for the petitioner confined his argument to the limited extent directing the first respondent to pass orders on the representation of the petitioner dated 31.01.2015, within a stipulated time.

5. Considering the submissions made by the learned counsel appearing for the petitioner, without going into the merits of the case, the first respondent is directed to consider the representation of the petitioner dated 31.01.2015 after putting

notice to the persons concerned and pass orders on merits and in accordance with law, as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner as well as the concerned persons.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(R)

//True Copy//

Sub Assistant Registrar

Rj

To

- 1 The Member Secretary
Chennai Metroplitan Development Authority
No.1 Gandhi Irwin Road,
Egmore, Chennai-600 008
- 2 The Chief Administrative Officer,
Market Management Committee,
Koyembedu Wholesale Market Complex
Chennai- 600 092
- 3 The Commissioner of Police
Vepery, Chennai-600 007
- 4 The Commissioner,
Corporation of Chennai,
Chennai-600 003

1 CC to Mr.M.Kempuraj, Advocate SR.No. 20749

1 CC to the Government Pleader, SR.No. 20701

MG (CO)
PSI (28.04.2015)

W.P. No.10852 of 2015