

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.12776 of 2015

and

M.P.Nos.1 and 2 of 2015

Chennai Pushpa Viyabarigal and
Commission Agentugal Sangam
Rep. By its President
Uthappan
No.18/2, Gangaianman Koil Street
T.Nagar, Chennai 600 017
and also at
FA-11, Kamarajar Malar Angadi
Koyambedu, Chennai 600 092 ... Petitioner

vs

- 1.The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 8
- 2.The Superintending Engineer-I
Division-II, Construction Wing
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 8
- 3.The Chief Administrative Officer
Market Management Committee
Koyambedu Wholesale Market Complex
Chennai 600 092 .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents in any way preventing ingress and egress easementary way, pathway, public utility road and road for transportation of goods to the wholesale flower market zone at Gate No.20 on the Eastern side and consequently, not to remove the Gate No.20 or close by way of fencing or compounding the wall.

For Petitioner : Mr.M.Kempraj

For Respondents : Mr.M.Karthikeyan for RR1 & 2
Mr.R.M.Muthukumar
Government Advocate for R3

ORDER

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

2.The petitioner claims that it is a registered association having membership of 175 members, who are doing wholesale business in the field of selling flowers. The petitioner would state that in the Flower Market Complex at Koyambedu, there is a gate on the northern side, which is abetting "E" Road, and the east portion of the Flower Market is surrounded by a compound wall erected by the Chennai Metropolitan Development Authority (CMDA), and it is running parallel to Nesapakkam Road or Kaliyamman Koil Street, and at the centre of the eastern side of the compound wall, the third respondent has erected a fabricated grill gate pursuant to the proceedings of the CMDA dated 18.12.2013.

3.According to the petitioner, the CMDA has also levied collection of toll charges by way of Toll Gate charges for reaching the said Market; but, all of a sudden, on 14.3.2015, the third respondent had proposed to close Gate No.20, which was the only ingress to some of the shop owners attached to "A" Block, and if the said entry is closed, it will ultimately prejudice the movement of vehicles as well as the business of the members of the petitioner-Sangam and in this regard, a representation was submitted on 24.3.2015, to the respondents, which was also acknowledged, and since attempts are being made to close the gate, the present writ petition is filed.

4.Heard the submissions of Mr.M.Kempuraj, learned Counsel appearing for the petitioner, Mr.M.Karthikeyan, learned Standing Counsel, who accepted notice for the respondents 1 and 2, and Mr.R.M.Muthukumar, learned Government Advocate, who accepted notice on behalf of the third respondent.

5.This Court, without going into the merits of the representation, directs the first respondent to consider the petitioner's representation dated 24.3.2015, in accordance with law, after providing an opportunity of personal hearing to the representative of the petitioner-Sangam, and pass orders within a period of two weeks from the date of receipt of a copy of this order and inform the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CO)

/true copy/

To:

- 1.The Member Secretary
Chennai Metropolitan Development Authority
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Egmore, Chennai 8
- 2.The Superintending Engineer-I
Division-II, Construction Wing
Chennai Metropolitan Development Authority
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- 3.The Chief Administrative Officer
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Koyembedu Wholesale Market Complex
Chennai 600 092

2 ccs to Mr.M. Kempraj, Advocate, Sr. 23450

W.P.No.12776 of 2015

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