

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.16316 of 2015

and

M.P.No.1 of 2015

Chennai Koyambedu Flower
Whole Sale Merchant Association
Rep by its Secretary
Rondian FC-119 Kamarajar Flower
Market Koyambedu Chennai 92

... Petitioner

Versus

1. The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Road Egmore Chennai
2. The Chief Executive Officer
Chennai Metropolitan Development Authority
Gandhi Irwin Road Egmore Chennai
3. The Chief Administrative
Officer Market Management Committee
Koyambedu Wholesale Market Complex
Koyambedu Chennai

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents to open Gate No.19 in Koyambedu Wholesale Market Complex Koyambedu Chennai which was originally provided to the flower merchants and subsequent proceedings dt 23.9.2011 whereby the petitioners Association was permitted to construct the road between Gate No.19 and Flower Market.

For Petitioner : Mr.Su.Srinivasan
for M/s.Vanathi Srinivasan

For Respondents : Mr.P.Tamilmani, (For R1 & R2)
Standing counsel.
Mr.Rm.Muthukumar (For R3)
Government Advocate.

O R D E R

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

2. The petitioner association would state that its members and flower merchants and are carrying on wholesale business in the exclusive block earmarked for trading flower alone in Koyambedu Wholesale Market Complex, and there are about 450 flower merchants and in accordance with Section 20 of the Tamil Nadu Specified Commodities Markets (Regulation and Location), Act, 1996, all the wholesale traders have to get themselves registered with the Market Management Committee of Koyambedu Wholesale Market Complex for carrying out trade and have to obtain licence under Section 21 of the said Act.

3. The petitioner association claims that the association members are registered traders having licenses to carry on the trade in Koyambedu Wholesale Market Complex. The petitioner would further state that there were originally 18 gates in the said complex and since there is no proper exit gate for flower merchants, to have ingress and egress, they made a request and the 2nd respondent constructed Gate No.19 for usage of the flower merchants and it was opened for usage vide proceedings dated 21.05.2009 and by subsequent proceedings dated 23.09.2011, the 3rd respondent permitted the petitioner association to put up a bituminous road between the 19th Gate and flower market on certain conditions.

4. Subsequently, at the instance of some influential persons and encroacher, the respondents sought to open an unauthorised gate and closed Gate No.19 for some unjustifiable reasons and in this regard, the petitioner association submitted several representations and last of such representation was made on 03.06.2015 and since, no orders have been passed, came forward to file this writ petition.

5. Mr.Su.Srinivasan, learned counsel for the petitioner has drawn the attention of this Court to the order dated 28.04.2015 made in W.P.No.12776 of 2015 and would submit that a rival association viz., Chennai Pushpa Viyabarigal and Commission Agentugal Sangam, without bringing the above said facts to the knowledge of this Court has got an order for disposal of their representation dated 24.03.2015 to have ingress and egress through an unauthorised Gate No.20. However, no orders have been passed. It is the further submission of the learned counsel appearing for the petitioner that it would be suffice to direct the 3rd respondent to consider the representations submitted by the petitioner association as well as the petitioner in W.P.No.12776 of 2015, and pass orders in accordance with law.

6. This Court heard the submissions of Mr.P.Tamilmani, learned standing counsel appearing for respondents 1 and 2 and Mr.Rm.Muthukumar, learned Government Advocate, who accepts notice for the 3rd respondents.

7. Though, the petitioner has prayed for a larger relief, this Court, in the facts and circumstances of this case, is of the view that it would be suffice to direct the 3rd respondent to consider and dispose of the petitioner's representation dated 03.06.2015, in accordance with law, after hearing the petitioner in W.P.No.12776 of 2015.

8. This Court, without going into the merits of the claim projected by the petitioner as well as Chennai Pushpa Viyabarigal and Commission Agentugal Sangam, Chennai, the writ petitioner in W.P.No.12776 of 2015, directs the 3rd respondent to consider the petitioner's representation dated 03.06.2015, in accordance with law, after putting on notice the above said association also and pass orders within a period of ten weeks from the date of receipt of a copy of this order and inform the decision taken, to the petitioner as well as to the above said association.

9. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Road Egmore Chennai
2. The Chief Executive Officer
Chennai Metropolitan Development Authority
Gandhi Irwin Road Egmore Chennai
3. The Chief Administrative
Officer Market Management Committee
Koyambedu Wholesale Market Complex
Koyambedu Chennai

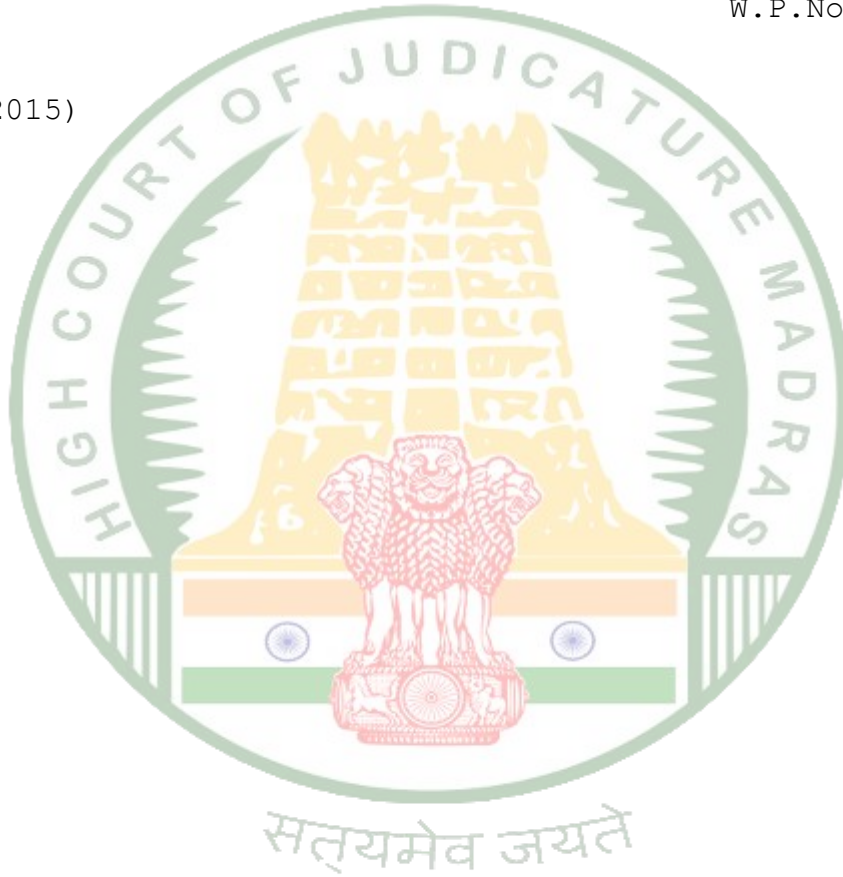
Copy To

The Secretary
Chennai Pushpa Viyabarigal
and Commission Agentugal Sangam,
Chennai.

+1cc to Mrs.Vanathi Srinivasan, Advocate, S.R.No.27901
+1cc to Mr.P.Tamilmani, Advocate, S.R.No.28365

W.P.No.16316 of 2015

KU(CO)
CA(12/06/2015)



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