

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.20195 of 2015

Vellore Town-Nethaji Market
Kaikari Viybarigal Sangam

Registration No.18/67

represented by its President
having its registered office at
E-23, Nethaji Market

Vellore 632 004

... Petitioner

-vs-

1. The Secretary to the Government
Municipal Administration and Water
Supply Department
St.George Fort
Chennai 600 009

2. The Commissioner
Vellore City
Municipal Corporation of Vellore
Vellore

3. Meganathan

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records leading to the impugned order dated 12.02.2015 passed by the second respondent including the order dated 26.11.2014 that was passed by second respondent that was recognized in the Vellore Municipal Corporation Congressional Resolution Nos.362 and 626 dated 07.07.2014 and 30.09.2014 and quash the same and consequently direct the respondents to consider the representation made by the petitioner Sangam dated 15.12.2014 in a proper manner known to law.

For Petitioner :: Mr.V.Manohar

For Respondents :: Mr.A.Kumar
Special Government Pleader
for R1
Ms.P.Shanthi for R2

ORDER

This writ petition has been filed by Vellore Town-Nethaji Market Kaikari Viyabarigal Sangam challenging the impugned order dated 12.2.2015 passed by the second respondent-Commissioner, Vellore City Municipal Corporation including the order dated 26.11.2014 passed by him that was recognized in the Vellore Municipal Corporation Congressional Resolution Nos.362 and 626 dated 07.07.2014 and 30.09.2014 respectively, to quash the same with a consequential direction to the respondents to consider the representation made by the petitioner Sangam dated 15.12.2014.

2. Mr.V.Manohar, learned counsel for the petitioner-Sangam submitted that the petitioner-Sangam, being registered under the Societies Registration Act, was established by the vendors of 'Nethaji Kaikari Viyabarigal Sangam' situated at Vellore for protecting the well being of the vendors of the said market. The market has its stock brought by various vendors from many States like Andhra Pradesh, Karnataka and Kerala. While so, G.O.Ms.No.78 dated 25.5.2009 was passed by the Municipal Administration and Water Supply Department for regulating the public auction and tender for the collection of fare and fee in the Nethaji market. The said Government Order also reflected in the Vellore Municipal Corporation Congressional Resolution Nos.127 and 868 dated 6.2.2013 and 22.11.2013 and an order for the tender notice of auction of tenancy rights for the period of three years from 2014-15 to 2016-17 was passed by the second respondent. The schedules to the tender notice also provided the specific details about the amount entitled by the tenant for collection of fare in the tollgates for the specified items, more particularly, in schedule No.2, page No.25 of the said minutes of the resolution passed by the Corporation of Vellore Municipality, the total amount of fare that could be collected in the tollgate was mentioned for the different items respectively. However, the second respondent suddenly passed another order dated 26.11.2014 for the public auction and to hold tender for the tenancy rights in the Nethaji Market according to G.O.Ms.No.78 dated 25.5.2009 passed by the Municipal Administration and Water Supply Department. On an earlier occasion, when a notification was issued calling upon tenders for fixing a rate in respect of small vehicles head load workers, gunny bag containing vegetables, fruits and flowers etc., the petitioner-Sangam, even prior to the conduct of the auction, requested the Municipal Corporation to fix reasonable rates. But within a short span of time, the rates were revised. Therefore, a representation was given. But without considering the said representation, they have proceeded further. Under this background, they approached this Court by filing W.P.No.793 of 2015 and this Court, by order dated 13.1.2015, without going to the merits of the matter, directed the second respondent herein to consider the representation dated 15.12.2014, after hearing the office bearers of the Sangam, and thereafter to pass orders on merits and in accordance

with law. Even after the order, the second respondent has passed the impugned order with a view to revise the rates unreasonably and arbitrarily, therefore, the members of the petitioner-Sangam, having been affected by the proposed revision of rates, have come to this Court, he pleaded.

3. But this Court, after considering the proposal for revision of rates, is not able to see any merits in the writ petition. The reason is that the second respondent has come forward to fix Rs.7/- for the produce carried by head and Rs.20/- for the space occupied by the vendors between two pillars in the market. The said amount being too little, this Court is not inclined to interfere with the impugned order. Accordingly, the writ petition fails and it is dismissed. Consequently, M.P.Nos.1 & 2 of 2015 are also dismissed. No costs.

ss

s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government
Municipal Administration and Water
Supply Department
Fort St.George
Chennai 600 009

2. The Commissioner
Vellore City
Municipal Corporation of Vellore
Vellore

+ 1 cc to Mr.V.Manohar, Advocate SR 34078

+ 1 cc to Govt.Pleader High Court, Madras SR 34744

+ 1 cc to Mr.K.Govindan, Advocate SR 34618

gj(co)
prk20/8

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