

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.31628 of 2015
and M.P.Nos.1 & 2 of 2015

Chennai Pushpa Viyabarigal and
Commission Agentugal Sangam
Rep. by its President Mr.Uthappan,
No.18/2, Gangaianman Koil Street,
T.Nagar, Chennai - 600 017. . Petitioner

Versus

- 1.The Principal Secretary to Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George, Chennai - 600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 3.The Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholsesale Market Complex,
Chennai - 600 092.
- 4.S.Srinivasan
Member - Representative of Wholesale Traders
TE-44, Anna Fruit Market, Koyambedu,
Chennai-600 092.
- 5.M.Thiyagarajan
Member - Representatives of Trade Associations
M-117, Periyar Vegetable Market,
Koyambedu, Chennai - 600 092.
- 6.T.Ramarajapandian
Member - Representative of Trade Associations
Tf-102, Anna Fruit Market, Koyambedu,
Chennai-600 092.

7.P.K.Farook,

Member - Representative of Trade Associations
TD-24, Anna Fruit Market, Koyambedu,
Chennai-600 092.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 1st and 2nd respondents in respect of fresh constitution of Koyambedu Market Committee for the Koyambedu Market Complex vide G.O.Ms.No.148 Housing and Urban Development UDSCO Department, dated 08.10.2014 and to quash the same.

For Petitioner	:	Mr.M.Kempraj
For Respondent 1	:	Mr.R.Vijayakumar
		Additional Government Pleader
For Respondent 2	:	Mr.K.Raja Srinivas
For Respondent 3	:	Mr.M.Velmurugan

ORDER

The petitioner is an association called as "Chennai Pushpa Viyabarigal and Commission Agentugal Sangam" and they are carrying on business in the Koyambedu Wholesale Market. The petitioner-Association has sought for a Writ of Certiorari to direct the first respondent to reconstitute the Koyambedu Market Committee vide G.O.Ms.No.148 dated 08.10.2014.

2. The second respondent sent a proposal to the first respondent, to reconstitute the market committee, consisting of 10 posts and the said proposal was considered by the Government, and it has issued orders vide G.O.(Ms.)No.148 of Housing and Urban Development UDSCO Department, dated 08.10.2014.

3. The petitioner-Association would state that the constitution of the market committee as done by the Government is erroneous, since the second respondent has recommended certain disqualified members for re-constitution of the market committee, and it is in violation of Section 8 of the Tamil Nadu Specified Commodities Merchants (Regulation of Location) Act, 1996 ('the Act'). Further, it is stated that the second respondent, being a local authority, as defined under Section 5 of the Act, erred in recommending the names of disqualified members for the proposed reconstitution. Further, it is stated that the nomination of the members of the Trade Association is also erroneous. Since the petitioner has secured information under Right to Information Act, stating that there is no association of such name in the Koyambedu Market Complex, as recognized by the second respondent. With these grievances, the petitioner-Association submitted their representation to the

respondents 1 and 3 on 04.09.2015. Since no action was initiated, the petitioner also sent a letter, addressed to the Hon'ble Chief Minister, and even the same evoked no response, the petitioner is before this Court by way of present Writ Petition, seeking for the aforesaid relief. Thus, the petitioner questions the reconstitution of the market committee alleging certain disqualifications against some class of members.

4. The learned counsel appearing for the third respondent submitted that it is incorrect to state that Srinivasan is not entitled to be nominated as member apart from other factual averments, which the learned counsel has put forth. However, this Court is not inclined to go into those aspects, since the competent authority is yet to take decision on the petitioner's representation.

5. In the light of the above, the Writ Petition is disposed of, by directing the second respondent to take action on the petitioner's representation after notice to the petitioner and the third respondent and pass orders, which shall be in the nature of proposal, to be placed before the first respondent for appropriate action. The above direction shall be complied with by the second respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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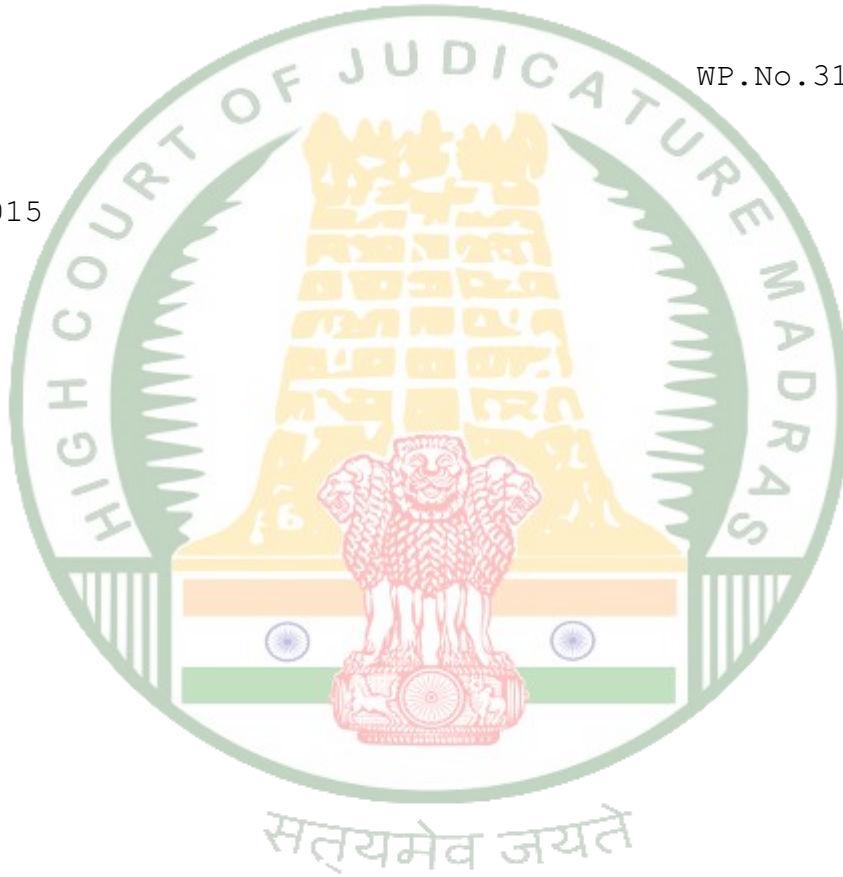
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+1 cc to Mr.M.Kempraj Advocate sr.60211
+1 cc to Mr.K.Raja Shrinivas Advocate sr.60330
+1 cc to Government Pleader sr.60740
+1 cc to Mr.M.Velmurugan Advocate sr.60444

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