

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-03-2015

Coram :

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

WP No. 7859 of 2015

Chennai Koyambedu Malar, Malai and
Naar Kadai Urimaialargam Sangam
(Regd. No. 250/2014)

Represented by its President
No.FA-64, Kamarajar Malar Vaniga Valagam
Koyambedu, Chennai - 600 092

.. Petitioner

Versus

1. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai - 600 008

2. The Superintending Engineer-I,
Division-II, Construction Wing
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai - 600 008

3. The Chief Administrative Officer
Market Management Committee
Koyambedu Wholesale Market Complex
Koyambedu, Chennai - 600 092

.. Respondents

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

For Petitioner : Mr. M. Kempraj
For Respondents : Mr. M. Karthikeyan

ORDER

Heard the learned counsel for the parties and perused the materials placed on record.

2. The petitioner is an association representing its members who are trading in flowers in Koyambedu Whole sale Market. The grievance of the petitioner is that the respondents have suddenly taken a decision to close gate No.20 in the market which had prejudiced and affected the business of the members of the petitioner association. Therefore, the petitioner association has come forward with this writ petition praying for a Writ of Mandamus to direct the respondents from closing gate No.20 in the whole sale market and thereby prevent the access to the members of the petitioner association to use it as a public utility road for transportation of goods to the wholesale flower market zone.

3. On notice, the learned standing counsel appearing for the respondents pointed out that gate No.20 was ordered to be closed for emergency purpose and with a view to use the same during festival season. An administrative decision was taken by the respondents to close gate No.20 and to use it as and when there arises a need for using the same. The petitioner association has no right to prevent the respondents, who are administrators of the whole sale market, to close the gate and that the gate is sought to be closed for a public purpose. In any event, closing gate No.20 will not prevent the access to the traders in the market as there are several other gates to be used for transportation of goods and commodities in to the market.

4. Having regard to the above submission of the learned counsel for the respondents, when an administrative decision was taken to close the gate No.20 and to use it during emergency purpose or during the festival season, this Court finds no reason to interfere with such decision taken by the respondents. A discretion is vested with the respondents to administer the whole sale market and only in exercise of such discretionary remedy, the respondents have decided to close gate No.20 and to use it as and when a need arises. In such circumstances, the relief sought for in this writ petition cannot be granted. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.
rsh

-s/d-

Assistant Registrar (CS-II)

Dt:8/4/2015

True Copy

Sub-Assistant Registrar

To

1. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai - 600 008

2. The Superintending Engineer-I,
Division-II, Construction Wing
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai - 600 008

3. The Chief Administrative Officer
Market Management Committee
Koyambedu Wholesale Market Complex
Koyambedu, Chennai - 600 082

+ 1 cc to Mr.M.Kempuraj, Advocate SR 15887

+ 1 cc to Mr.M.Karthikeyan, Advocate SR 15631

ctk(co)
prk9/4

WP No. 7859 of 2015



WEB COPY