

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.26149 of 2009
and M.P.Nos.1 and 2 of 2010

Dr.Ambedkar Sumaithukkum Thozhilalar
Nalla Sangam, Rep. By its President,
P.A.Joseph. ... Petitioner

-vs-

- 1.The Secretary,
Housing and Urban Development
Dept., Fort St. George, Secretariat
Building, Chennai.
- 2.The Secretary,
Municipal and Local Administration,
Fort St. George, Secretariat Building,
Chennai.
- 3.The Member Secretary,
Chennai Metropolitan Development
Authority, Gandhi Irwin Road,
Egmore, Chennai 600 008.
- 4.The Koyambedu Market Management
Committee, rep. By its Chairman,
CMD, Gandhi Irwin Road, Egmore,
Chennai 600 008.
- 5.The Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai.

6.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 and 2 to probe in to the complaints made by the petitioner association by their representation dated 03.12.2009 and 04.12.2009 whereby initiate action against the Koyambedu Market Management Committee by invoking Tamil Nadu Specified Commodities market (Regulation of Location) Act, 1996 and consequently, direct respondents 1 and 2 to appoint Special Officer for the purpose of managing the Koyambedu Wholesale Market Complex.

For Petitioner : Mr.E.Vijay Anand
For Respondents : Mr.S.T.S.Murthi,
Govt. Pleader, assisted by
Mr.V.Shanmugasundar, G.A.
For RR 1 and 2
: Mr.Rajusrinivas for R-3
: Mr.K.Soundararajan for R-6
: Mr.G.Purushothaman and
Mr.K.Ravi Anantha Padmanabhan,
Adv. Commissioners.

* * * * *

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The writ petition has been filed as a public interest litigation by the association of loadmen in respect of the unpalatable conditions in the Koyambedu wholesale market complex dealing with vegetables, fruits and flowers. Photographs have been annexed to show the pitiable conditions and fresh photographs have been produced before us today to suggest that there is no improvement over this period of time.

2.We may notice that the Court appointed two Local Commissioners to inspect the area and they have submitted a report along with recommendations. It appears that thereafter nothing has transpired for the last six years and the result of the recommendations is also not known.

3.It is needless to say that the large wholesale market must have appropriate facilities. There should be clear demarcated areas for loading and unloading, vehicles stopping, proper electricity connections, bathroom and other civic facilities. All these seem to be completely absent as apparent

from the photographs and the report.

4. On our query, learned Government Pleader states that the fourth and fifth respondents look after the area being the Chairman and Chief Administrative Officer of the Market Management Committee. The photographs are a reflection of what they are not doing rather than what they are doing. This situation cannot be permitted to prevail.

5. We, thus, call upon the Principal Secretary, CMDA / third respondent to examine the recommendations of the Advocate Commissioners and set forth a plan to revamp the area properly. The final plan of action with stipulated time periods should be placed before us by the next date, whereafter we will monitor its implementation.

6. Writ petition is closed with the aforesaid directions. No costs. Consequently, connected M.Ps. also stand closed.

7. List for compliance on 23.09.2016.

8. The compliance report qua the plan of action with bar charts showing time periods of compliance to be filed at least three days before the next date of hearing, with advance copy to the learned counsel for the petitioner.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sra

To

1. The Secretary,
Housing and Urban Development
Dept., Fort St. George, Secretariat
Building, Chennai.

2. The Secretary,
Municipal and Local Administration,
Fort St. George, Secretariat Building,
Chennai.

3.The Member Secretary,
Chennai Metropolitan Development
Authority, Gandhi Irwin Road,
Egmore, Chennai 600 008.

4. The Chairman,
The Koyambedu Market Management
Committee,
CMDA, Gandhi Irwin Road, Egmore,
Chennai 600 008.

5.The Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai.

6.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai.

7.The Section Officer,
Writ Section High Court Madras
(Watching the Report and list the Case on
23/9/2016

+1 cc to Mr.E.Vijay Anand, Advocate sr.40565
+1 cc to Government pleader sr.40265

W.P.No.26149 of 2009

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