

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition No.36134 of 2016
and WMP.No.31015 of 2016.

The President
Koyambedu B4/B5
Fruit Merchants Vendors Welfare
Association
Reg.No.47/2012
T/E-22, Annakani Mart
Koyambedu
Chennai-600 092
Rep. By its President C.Angalan ...Petitioner

vs.

- 1.The Chief Executive Officer
Marketing Management Committee
Koyambedu, Chennai-600 092
- 2.A.T.Eswaran
- 3.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
Egmore, Chennai-600 008 ..Respondents

Writ Petition filed praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the Tender Notice No.3/2016-2017/ANIKU/UP/01333/2016 dated 20.09.2016 at the 1st respondent premises for the collector of licence fee and Toll charges for the vehicle for the period of 06.10.2016 to 15.10.2016 and quash the same and direct the 1st respondent not to establish any temporary shops abetting the road in between the shops situated at Koyambedu Market.

For Petitioner : Mr.UM.Ravichandran
For Respondents: Mr.M.Velmurugan for R1
Mr.M.Karthikeyan for R3.

O R D E R

The petitioner is the President of Koyambedu B4/B5, Fruit Merchants Vendors Welfare Association and the members are doing fruit sellers in the Koyambedu Market. Now, they challenged the Notification dated 20.09.2016 in the collection of entry fees for the vehicles and also for selling chat items for the period from 06.10.2016 to 15.10.2016 in the open place at the back side of the Wholesale Fruit Market, which is situated at Koyambedu Market.

2. The apprehension of the petitioner is that as per the auction notification dated 20.09.2016, the new licensees would encroach upon the public place and start selling the items and thereby cause loss to the petitioner's license and also cause nuisance to the movement of the vehicle and public.

3. Heard Mr.UM.Ravichandran, learned counsel for the petitioner and Mr.M.Velmurugan, learned counsel for the 1st respondent and Mr.M.Karthikeyan, learned counsel for the 3rd respondent.

4. Mr.M.Velmurugan, learned counsel appearing for the 1st respondent would submit that the apprehension of the petitioner is unwarranted. The Notification is only regarding Temporary sales, that too, in the open place at the back side of the Koyambedu Market was only permitted and not in any other place and if any violation is found out, action will be taken.

5. The said submission made by Mr.M.Velmurugan, learned counsel appearing for the 1st respondent is sufficient to safeguard the interest of the petitioner. Moreover, in a similar circumstances, in W.P.No.28404 of 2015, by order dated 09.09.2015, this court passed the order stipulating certain conditions to safeguard the interest of the existing licensees and the relevant paragraph is extracted as follows:-

" 8. In view of the same, I am inclined to dispose of the writ petition with the following conditions:-

(a) The respondent is directed to ensure that temporary shops are located only at the vacant space available just behind the flower market ;

(b) Licensees should be allowed to use only Gate No.18 ;

(c) Vehicles should not be parked on the side of the road or blocking Gate No.18 ;

(d) There should not be any hindrance to the members of the petitioner association ;

(e) The respondent should ensure that all the temporary shops are removed by 17.09.2015 ; and

(f) It is also the responsibility of the respondents 1 and 3, to clean the premises immediately after discontinuing the occupation of temporary shops."

6. The aforesaid conditions would safeguard the interest of the petitioner except the removal of shops by 16.10.2016.

7. With the above mentioned direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

nvsri

To

- 1.The Chief Executive Officer
Marketing Management Committee
Koyambedu, Chennai-600 092
- 2.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
Egmore, Chennai-600 008

+1 CC to Mr. U.M. Ravichandran, Advocate Sr.No.58043

W.P.No.36134 of 2016

VSN (CO)
MD : 13/10/2016

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