

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.7721 OF 2016

AND

WMP NO.6924 OF 2016

Chennai Managar Malaikuravan Karuveppilai
Vyabarigal Munnetra Sangam
Rep. By its President Mr.A.Palani
No.M-90, Periyar Kai Kani Angadi,
Koyambedu, Chennai - 600 092. ...Petitioner

-Versus-

- 1.The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road,
Chennai - 600 008.
- 2.The Chief Administrative Officer
Market Management Committee
Koyambedu Wholesale Market Complex
Chennai - 600 092. ...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents 1 and 2 to take appropriate action by allotting space for the petitioner association to carry on the trade in loading, unloading and sale of Karuveppilai, Pudina or Kothamalli leaves and allot the strip of open space North of Gate No.5 and Gate No.9 and between the road and compound wall which request has been made by the petitioner on 06.08.2015.

For Petitioner : Mr.Srinivasan
for Mr.R.Sudalaimani

For Respondent-1 : Mr.M.Karthikeyan
Standing Counsel for CMDA

For Respondent-2 : Mr.M.Velmurugan

O R D E R

The petitioner has filed this writ petition seeking for a mandamus directing the respondents to take appropriate action by allotting space for the petitioner association to carry on the trade in loading, unloading and sale of Karuveppilai, Pudina or Kothamalli leaves and allot the strip of open space North of Gate No.5 and Gate No.9 and between the road and compound wall which request has been made by the petitioner on 06.08.2015.

2.The petitioner is an Association said to be consisting of traders who deal with Karuveppilai, Pudina and Kothamalli leaves etc., and they have submitted a representation to earmark a particular space in the Koyambedu Market. Since their representation was not considered, the petitioner is before this Court.

3.At the very outset, I would like to point out that a writ of mandamus cannot be issued directing the respondents to allot a particular space in the market compound for one set of traders. However, it is always open to the respondents for taking a decision on the petitioner's representation. Therefore, the prayer sought for in this writ petition cannot be acceded to. In the counter affidavit, certain averments made which prima facie shows that an area is to be made available for such trade. However, it is not very clear as to when and how the allotments would be made. Hence, it is always open to the petitioner to take advantage of the stand taken by the respondents in the counter affidavit, if any of the averments are favourable to them. In view of the same, this Court is not inclined to issue any positive direction in this writ petition.

4.With the above observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

TK

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

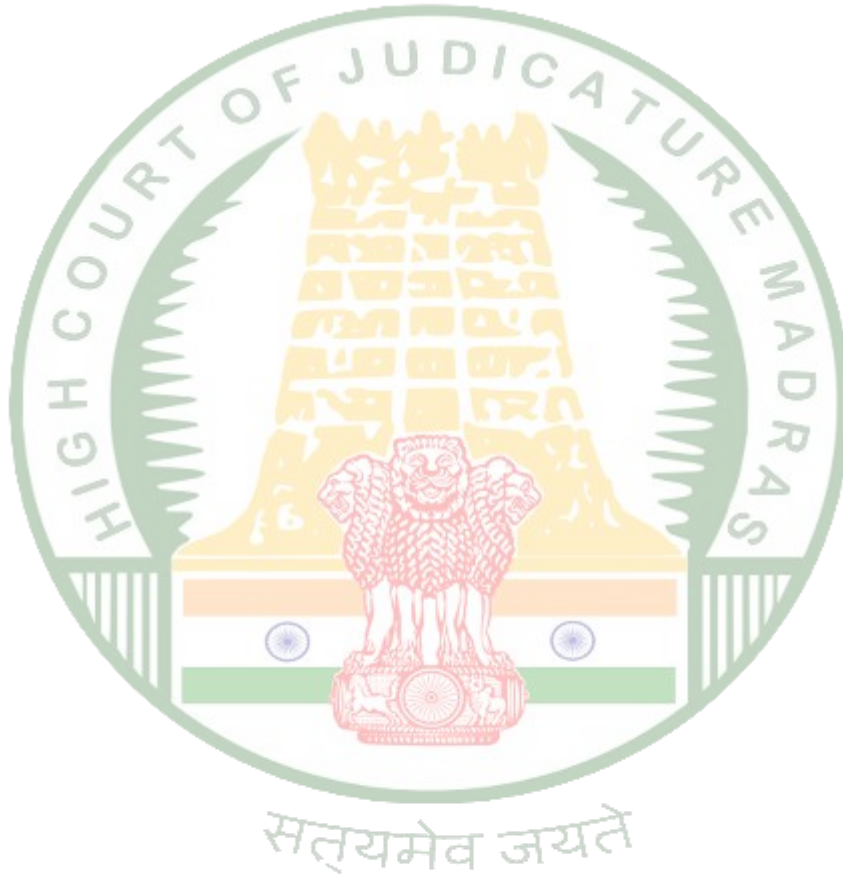
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+ 1 CC TO M/s.M.VELMUREGAN, ADVOCATE SR 19510

KR/1/4/16

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