

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.5099 of 2017

Periyar Market M.M.C. Urimam
Pettra Viyabarigal Sangam
Rep. by its President
E-113, Periyar Vegetable Market
Koyambedu, Chennai - 600 092. .. Petitioner

Vs.

1. The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Road, Egmore
Chennai - 600 008.
2. The Chief Executive Officer
Chennai Metropolitan Development Authority
Gandhi Irwin Road, Egmore
Chennai - 600 008.
3. The Chief Administrative Officer
Market Management Committee
Koyambedu Wholesale Market Complex
Koyambedu, Chennai. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents (a) to remove all unauthorised trading temporary occupation retail vending and parking of vehicles in the open space/passage between Gate No.14 to gate No. 7 of Periyar Vegetable Market, Koyambedu Wholesale Vegetable Complex, Koyambedu, Chennai - 600 092; (b) by permanently placing guards in Gate No.14 to Gate No.7, KWMC, Chennai 600 092 with sufficient strength of police personnel and also by seizing the vehicles and commodities carrying unauthorised trading activities apart from initiating penal action under Section 47 of the Tamil Nadu Specified Commodities (Regulation of Location) Act 1996; (c) Not to allow anyone to carry trading activities in KWMC without licence obtained under Section 21 of the Tamil Nadu Special Commodities (Regulation of Location) Act, 1996; and (d) direct the

authorities to introduce toll gate like system at the entry points in KWMC in order to prevent entry of vehicles of unauthorized traders.

For Petitioner : Mr.Vanathi.Srinivasan

For Respondents : Mr.Rajasrinivas
for respondents 1 and 2

Mr.M.Velmurugan
for 3rd respondent

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.Rajasrinivas, learned counsel takes notice for respondents 1 and 2 and Mr.M.Velmurugan, learned counsel takes notice for the third respondent.

2. Heard the learned counsel for the parties.

3. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus directing the respondents (a) to remove all unauthorised trading temporary occupation retail vending and parking of vehicles in the open space/passage between Gate No.14 to gate No. 7 of Periyar Vegetable Market, Koyambedu Wholesale Vegetable Complex, Koyambedu, Chennai - 600 092; (b) by permanently placing guards in Gate No.14 to Gate No.7, KWMC, Chennai 600 092 with sufficient strength of police personnel and also by seizing the vehicles and commodities carrying unauthorised trading activities apart from initiating penal action under Section 47 of the Tamil Nadu Specified Commodities (Regulation of Location) Act 1996; (c) Not to allow anyone to carry trading activities in KWMC without licence obtained under Section 21 of the Tamil Nadu Special Commodities (Regulation of Location) Act, 1996; and (d) direct the authorities to introduce toll gate like system at the entry points in KWMC in order to prevent entry of vehicles of unauthorized traders.

4. It is stated by the learned counsel for the respondents that the larger issue with regard to maintenance of Koyambedu Wholesale Vegetable Complex is considered by this Court in W.P.No.26149 of 2009 and this Court is periodically monitoring the matter and in this regard, Advocate Commissioners have also been appointed.

5. As the larger issue is already under consideration by this Court in W.P.No.26149 of 2009, we find no reason to

entertain one more petition on the same cause of action.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.5397 of 2017 is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sasi

To:

1. The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Road, Egmore
Chennai - 600 008.
2. The Chief Executive Officer
Chennai Metropolitan Development Authority
Gandhi Irwin Road, Egmore
Chennai - 600 008.
3. The Chief Administrative Officer
Market Management Committee
Koyambedu Wholesale Market Complex
Koyambedu, Chennai.

+1cc to Mr.Vanathi Srinivasan,Advocate sr.14331

+1cc to Mr.K.Rajasrinivas,Advocate sr.13895

+1cc to the Government pleader sr.14247

rj(co)
ss(14/3/2017)

W.P.No.5099 of 2017

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