



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED **29.06.2017**

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

WA (MD) No.877, 878, 879, 880 & 881 of 2017
and

C.M.P. (MD) Nos.5871, 5872, 5873, 5874 & 5875 of 2017

THE TRICHY FRUITS TRADERS WELFARE ASSOCIATION
REP. BY ITS SECRETARY
P.BALASUBRAMANIAN
29, NELPETTAI STREET,
TRICHY-620 008

... APPELLANT/PETITIONER/PETITIONER
in WA (MD). 877/ 2017

THE TRICHY GANDHI MARKET MANTHI COUNTRY
VEGETABLES SELLERS WELFARE ASSOCIATION,
REP BY ITS PRESIDENT,
G.B.MANI, GANDHI MARKET, TRICHY 620 008.

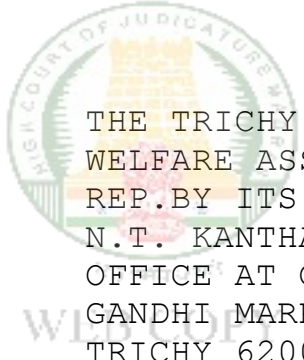
... APPELLANT/PETITIONER/PETITIONER
in WA (MD). 878/ 2017

THE TIRUCHIRAPALLI POTATO & ONION,
WHOLE SALE MERCHANTS ASSOCIATION,
REP.BY ITS SECRETARY,
M. SARAVANAN,
OFFICE AT 1, MANI MANDAPA SALAI,
TRICHY-620 008.

... APPELLANT/PETITIONER/PETITIONER
in WA (MD). 879/ 2017

ENGLISH VEGETABLE COMMISSION MUNDY ASSOCIATION,
REP.BY ITS SECRETARY,
G.SIVARAMAN,
OFFICE AT GANDHI MARKET,
3, NUMBER GATE,
TRICHY-620 008.

... APPELLANT/PETITIONER/PETITIONER
in WA (MD). 880/ 2017



THE TRICHY TOMATO WHOLESALE TRADERS,
WELFARE ASSOCIATION,
REP.BY ITS SECRETARY,
N.T. KANTHASAMY,
OFFICE AT OT-185,
GANDHI MARKET,
TRICHY 620008.

... APPELLANT/PETITIONER/PETITIONER
in WA(MD). 881/ 2017

Vs.

1. THE COMMISSIONER,
THE AGRICULTURAL MARKETING & AGRO BUSINESS,
THIRU VI KA INDUSTRIAL ESTATE,
CIPET - II MAIN ROAD,
GUINDY,
CHENNAI-600032.
2. THE DEPUTY DIRECTOR,
AGRICULTURAL MARKETING,
NO.11 ARABIC COLLEGE ROAD,
KAJA NAGAR, TRICHY.
3. THE SECRETARY,
AGRICULTURAL MARKETING COMMITTEE,
TRICHY-8.
4. THE DISTRICT COLLECTOR,
TRICHY DISTRICT, TRICHY.
5. THE COMMISSIONER,
TRICHY CORPORATION,
TRICHY.
6. THE DISTRICT ENVIRONMENTAL ENGINEER,
NO.25, DEVELOPED PLOTS,
THUVAKUDI, TRICHY-15. ...RESPONDENTS/RESPONDENTS/RESPONDENTS
IN ALL CASES

PRAYER: Appeals filed under Clause 15 of Letters Patent Act, to set aside the Common order dated 09.06.2017 made in W.M.P.(MD) Nos.4010 to 4014 of 2017 in W.P.(MD)No.4976 to 4980 of 2017 on the file of this Court.

Prayer in WMP(MD).Nos. 4010 to 4014 of 2017 :

To grant an order of Interim Injunction restraining the respondents from in any way affecting the day today business of members of the petitioner association dealing in wholesale business of Fruits Country Vegetables, Potato & Onion,



English Vegetables and Tomato respectively in Gandhi Market, Trichy, by compelling them to shift their premises to K.Kallikudi Village, Srirangam Taluk, Trichy coming under the administrative control of respondents 1 to 3, pending disposal of the above Writ Petition.

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Prayer in WP(MD).Nos. 4976 to 4980 of 2017 :

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus forbearing the respondents from in any manner compelling the members of the Petitioners' Association to shift their wholesale trade premises from Gandhi Market to newly constructed premises at K.Kallikudi Village, Srirangam Taluk, Trichy, in Trichy, in Trichy - Madurai National Highways.

For Appellant : Mr.Veera Kathiravan
(in all cases) Senior Counsel
for M/s.Veera Associates

For Respondents 1 to 4 & 6 : Mr.V.R.Shanmuganathan
(in all cases) Special Government Pleader

For Respondent No.5 : Mr.N.S.Karthikeyan
(in all cases) Standing Counsel

C O M M O N J U D G M E N T

[Judgment of the Court was made by **T.S.SIVAGNANAM, J.**]

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

2. These appeals are directed against the common order, dated 09.06.2017, passed in W.M.P.(MD) Nos.4010 to 4014 of 2017, by the Single Bench, vacating the interim order granted earlier.

3. The matter pertains to a wholesale market called as Gandhi Market, at Trichy and the writ petitions have been filed by the appellant - Association for varied reliefs and interim relief was also sought for to restrain the respondents from in any way affecting the day-to-day business of members of the appellant - Association.

4. It appears that initially there was an order of interim injunction granted and subsequently, when the matter was heard by the Single Bench has taken note of the submission of the learned Additional Advocate General that a sum of Rs.120 Crores



has been spent for the construction of vegetable market and in view of the interim order, everything has come to a standstill.

5. The Single Bench, after taking note of the facts and circumstances of the case and also the public interest involved in the matter, by the impugned order, dated 09.06.2017, vacated the interim order already granted.

6. The learned senior counsel for the appellants would submit that the appellants are not opposing the shifting of the Market to the newly constructed market complex, but there are other issues, which have to be addressed, because it is a wholesale market and the space allotted to them is inadequate.

7. We are of the considered view that if this is the grievance of the appellant - Association, then it is for them to approach the appropriate authority for their remedy and not to seek for injunction. In any event, the writ petitions are pending and if any further interim direction to aid and assist the trading activities is required, it is well open to the appellants to move the Writ Court for such directions. For such reasons set out by the appellants in the writ appeals, we are not inclined to entertain these appeals.

8. Accordingly, the writ appeals fail and they are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1. The Commissioner,
The Agricultural Marketing & Agro Business,
Thiru Vi Ka Industrial Estate,
CIPET - II Main Road,
Guindy,
Chennai-600032.

2. The Deputy Director,
Agricultural Marketing,
No.11 Arabic College Road,

<https://hcservices.ecourt.mca.gov.in/>
K. S. Srinivasan,
Trichy.



3. The Secretary,
Agricultural Marketing Committee,
Trichy-8.

4. The District Collector,
Trichy District,
Trichy.

5. The Commissioner,
Trichy Corporation,
Trichy.

6. The District Environmental Engineer,
No.25, Developed Plots,
Thuvakudi,
Trichy-15.

+1 cc to M/S.Veera Associates , Advocate in SR.No. 63172

+1 cc to Mr.N.S.Karthikeyan , Advocate in SR.No. 62828

+1 cc to Special Government Pleader in SR.No.62842

SM/KRK

AE/KP/SAR2/24.07.2017/5P/10C

WA (MD) No.877, 878, 879, 880 & 881 of
2017

and

C.M.P. (MD) Nos.5871, 5872, 5873, 5874 &
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