



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Ninth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

WEB COPY

WMP(MD) Nos.4010 to 4014 of 2017 and
WMP(MD) Nos.5057 to 5061 of 2017
IN WP(MD) Nos.4976 to 4980 of 2017

THE TIRUCHI FRUITS TRADERS WELFARE ASSOCIATION,
REP. BY ITS SECRETARY,
P.BALASUBRAMANIAM,
29, NELPETTAI STREET,
TRICHY 620008.

... PETITIONER/PETITIONER
IN WMP(MD)NO.4010/2017 in WP(MD)NO.4976/2017

THE TIRUCHI GANTHI MARKET MANTHAI
COUNTRY VEGETABLES SELLERS ASSOCIATION,
REP. BY ITS PRESIDENT,
G.B.MANI,

GANTHI MARKET, TRICHY 620 008 ... PETITIONER/PETITIONER
IN WMP(MD)NO.4011/2017 in WP(MD)NO.4977/2017

THE TIRUCHIRAPALLI POTATO & ONION
WHOLESALE MERCHANTS ASSOCIATION
(REGN.NO.213/2012)
REP.BY ITS GENERAL SECRETARY,
N.SARAVANAN,
HAVING OFFICER AT NO.1
MANI MANDAPA SALAI
TRICHY- 620 008

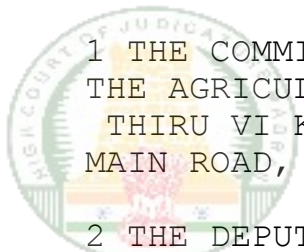
... PETITIONER/PETITIONER
IN WMP(MD)NO.4012/2017 WP(MD)NO.4978/2017

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

... PETITIONER/PETITIONER
IN WMP(MD)NO.4013/2017 in WP(MD)NO.4979/2017

THE TRICHY TOMATO WHOLESALE TRADERS
WELFARE ASSOCIATION,
REP. BY ITS SECRETARY N.T.KANTHASAMY,
HAVING OFFICE AT OT-185,
GANTHI MARKET, TRICHY 620 008

... PETITIONER/PETITIONER
IN WMP(MD)NO.4014/2017 in WP(MD)NO.4980/2017



1 THE COMMISSIONER
THE AGRICULTURAL MARKETING AND AGRO BUSINESS,
THIRU VI KKA INDUSTRIAL ESTATE, CIPET-II
MAIN ROAD, GUINDY, CHENNAI - 600 032.

2 THE DEPUTY DIRECTOR
AGRICULTURE MARKETING, NO.11, ARABIC COLLEGE
ROAD, KAJA NAGAR, TRICHY.

3 THE SECRETARY
AGRICULTURE 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 in
WMP(MD)Nos.4010 TO 4014/17 IN
WP(MD)Nos.4976 TO 4980/17 &
PETITIONERS IN WMP(MD)No.5057 to 5061/17 IN
WP(MD)No.4976 to 4980/17

THE TIRUCHI GANTHI MARKET MANTHAI
COUNTRY VEGETABLES SELLERS ASSOCIATION,
REP. BY ITS PRESIDENT,
G.B.MANI,
GANTHI MARKET, TRICHY 620 008

... RESPONDENT/PETITIONER/PETITIONER
IN WMP(MD)NO.5057/2017 in WP(MD)NMO.4977/2017

THE TIRUCHI FRUITS TRADERS WELFARE ASSOCIATION,
REP. BY ITS SECRETARY,
P.BALASUBRAMANIAM,
29, NELPETTAI STREET,
TRICHY 620008.

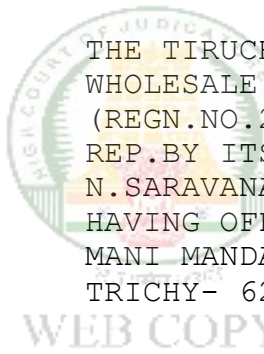
... RESPONDENT/PETITIONER/PETITIONER
IN WMP(MD)NO.5058/2017 in WP(MD)NMO.4976/2017

THE TRICHY TOMATO WHOLESALE TRADERS
WELFARE ASSOCIATION,
REP. BY ITS SECRETARY N.T.KANTHASAMY,
HAVING OFFICE AT OT-185,
GANTHI MARKET, TRICHY 620 008

... RESPONDENT/PETITIONER/PETITIONER
IN WMP(MD)NO.5059/2017 in WP(MD)NMO.4980/2017

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

... RESPONDENT/PETITIONER/PETITIONER
IN WMP(MD)NO.5060/2017 in WP(MD)NMO.4979/2017



THE TIRUCHIRAPALLI POTATO & ONION
WHOLESALE MERCHANTS ASSOCIATION
(REGN.NO.213/2012)
REP.BY ITS GENERAL SECRETARY,
N.SARAVANAN,
HAVING OFFICER AT NO.1
MANI MANDAPA SALAI
TRICHY- 620 008

... RESPONDENT/PETITIONER/PETITIONER
IN WMP(MD)NO.5061/2017 WP(MD)NMO.4978/2017

Prayer in WMP(MD). 4010/ 2017 IN WP(MD)NO.4976/2017:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of Interim Injunction restraining the respondents herein from in any way affecting the day today business of members of the petitioner association dealing in wholesale business of Fruits 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.

Prayer in WMP(MD). 4011/ 2017 IN WP(MD)NO.4977/2017:

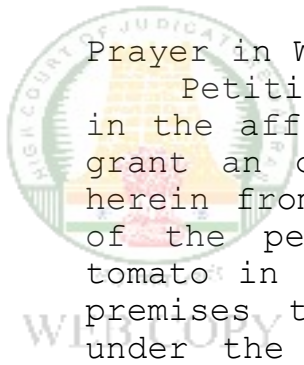
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of interim injunction restraining the respondents herein from in any way affecting the day today business of members of the petitioner association dealing in wholesale business of country vegetables 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 WP.

Prayer in WMP(MD). 4012/ 2017 IN WP(MD)NO.4978/2017:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of Interim Injunction restraining the respondents herein from in any way affecting the day today business of members of the petitioner association dealing in wholesale business of potato and onion 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.

Prayer in WMP(MD). 4013/ 2017 IN WP(MD)NO.4979/2017:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of Interim Injunction restraining the respondents herein from in any way affecting the day today business of members of the petitioner association dealing in wholesale business of English Vegetables 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.



Prayer in WMP(MD). 4014/ 2017 IN WP(MD)NO.4980/2017:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of interim injunction restraining the respondents herein from in any way affecting the day today business of members of the petitioner association dealing in wholesale business of tomato 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 WP.

Prayer in WMP(MD). 5057/ 2017 in WP(MD)No.4977 of 2017 :

To vacate the status quo granted in WMP(MD)No.4011 of 2017 in WP(MD)No.4977 of 2017 dated 23.03.2017.

Prayer in WMP(MD). 5058/ 2017 in WP(MD)No.4976 of 2017 :

To vacate the status quo granted in WMP(MD)No.4010 of 2017 in WP(MD)No.4976 of 2017 dated 23.03.2017.

Prayer in WMP(MD). 5059/ 2017 in WP(MD)No.4980 of 2017 :

To vacate the status quo granted in WMP(MD)No.4014 of 2017 in WP(MD)No.4980 of 2017 dated 23.03.2017.

Prayer in WMP(MD). 5060/ 2017 in WP(MD)No.4979 of 2017 :

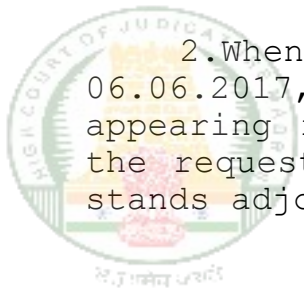
To vacate the status quo granted in WMP(MD)No.4013 of 2017 in WP(MD)No.4979 of 2017 dated 23.03.2017.

Prayer in WMP(MD). 5061/ 2017 WP(MD)No.4978 of 2017 :

To vacate the status quo in WMP(MD)No.4012 of 2017 in WP(MD)No.4978 of 2017 dated 23.03.2017.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of MR.C.JEGANATHAN, Advocate for M/S.VEERA ASSOCIATES, Advocate for the petitioner in WMP(MD)Nos.4010 to 4014/17 in WP(MD)No.4976 to 4980/17 and Respondent in WMP(MD)No.5057 to 5061/17 IN WP(MD)No.4976 to 4980/17 and of MR.B.PUGALANDHI, Additional Advocate General Assisted by MR.N.S.KARTHIKEYAN, Additional Government Pleader for respondents WMP(MD)Nos.4010 to 4014/17 in WP(MD)No.4976 to 4980/17 and petitioner in WMP(MD)No.5057 to 5061/17 IN WP(MD)No.4976 to 4980/17, the court made the following order:-

WMP(MD)Nos.4010 to 4014 of 2017 have been filed to grant an order of interim injunction restraining the respondents herein from in anyway affecting the day today business of members of the petitioner association dealing in wholesale business of country vegetables in Gandhi Market, Trichy, by compelling them to shift their premises to K.Kallikudi Village, Srirangam Taluk, Trichy coming under the administrative control of the respondents 1 to 3, pending disposal of the writ petitions, whereas WMP(MD)Nos.5057 to 5061 of 2017 have been filed to vacate the status quo granted in WMP(MD)Nos.4010 to 4014 of 2017, dated 23.03.2017.



2. When the injunction petitions were listed for hearing on 06.06.2017, Mr. B. Pugalendhi, learned Additional Advocate General appearing for the respondents was ready to argue the case, but at the request of the learned counsel for the petitioners, the matter stands adjourned to today I.e., on 09.06.2017.

3. Today, when the matter is taken up for hearing, the learned counsel for the petitioners sought further time to argue the case on the ground that the Senior counsel is held up before the Principal Bench.

4. The learned Additional Advocate General would submit that the respondents have already spent about 120 crores for the construction of vegetable market and in view of the interim order passed by this court, they are not able to proceed further. It is also submitted that the vegetable market is constructed only to ease the traffic congestion where the existing market is situated in the middle of the Trichy City.

5. The learned Additional Advocate General would further submit that the writ petition W.P(MD)No.4842 of 2016 filed by the members of the petitioner Association was already dismissed on 27.04.2016, however the Association without furnishing the list of members has filed the present writ petitions stating that the petitioners in the earlier writ petition are not the members of the petitioner's Association. It is further contended that the Government is ready to redress the genuine grievances of the members of the petitioner Association.

6. Considering the above facts, this court is of the opinion that the petitioner has not made out *prima facie* case for grant of interim injunction and therefore, the interim order already granted by this court is liable to be vacated.

7. In the result, the Miscellaneous Petitions in WMP(MD)Nos.5057 to 5061 of 2017 are allowed and the interim order already granted by this court in WMP(MD)Nos.4010 to 4014 of 2017 is hereby vacated. In view of the order passed vacating the interim order, WMP(MD)Nos.4010 to 4014 of 2017 are dismissed.

sd/-
09/06/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE COMMISSIONER
THE AGRICULTURAL MARKETING AND AGRO BUSINESS,
THIRU VI KA INDUSTRIAL ESTATE,
CIPET-II MAIN ROAD,
GUINDY, CHENNAI - 600 032.

2 THE DEPUTY DIRECTOR, AGRICULTURE MARKETING,
NO.11, ARABIC COLLEGE ROAD,
KAJA NAGAR, TRICHY.

3 THE SECRETARY
AGRICULTURE 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.

+5. C.C. to M/S.VEERA ASSOCIATES Advocate SR.No.23929 & 23903

ORDER

IN

WMP(MD) Nos.4010 to 4014 of 2017
and WMP(MD) Nos.5057 to 5061 of 2017
IN WP(MD) Nos.4976 to 4980 of 2017
Date :09/06/2017

MKV/CM-MSA/SAR-2/16.06.2017:6P/12C