

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2018

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THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.5125 of 2018
and
W.M.P.No.6296 of 2018

Periyar Market
MMC Urimai Petra Viyabarigal Sangam
Rep.by its President S.Chandran
E-113, Periyar Vegetable Market,
Koyambedu,
Chennai - 600 092. ... Petitioner

Versus

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

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, forbearing the respondents from interfering with our right of parking vehicles in using the open area opposite to gate No.7, Koyambedu Wholesale Market Complex, Koyambedu, Chennai - 600 092, pending representation of the petitioner dated 26.2.2018.

For Petitioner : Mr.M.Rajasekhar

For Respondents : Mr.P.Tamilmani

O R D E R

This writ petition has been filed seeking for issuance of a writ of mandamus, forbearing the respondents from interfering with the petitioner Sangam's right of parking vehicles in the open area opposite to gate No.7, Koyambedu Wholesale Market Complex, Koyambedu, Chennai-600 092, pending representation of the petitioner dated 26.2.2018.

2. Heard Mr.M.Rajasekhar, learned counsel appearing for the petitioner and Mr.P.Tamilmani, learned counsel appearing for the respondents and perused the materials available on record.

3.The case of the petitioner is that the petitioner Sangam is registered under the Tamil Nadu Societies Registration Act on 08.08.2000. Further, the petitioner Sangam, joining with other likeminded Sangams, have represented before the respondents, to permit them to park their two wheeler and four wheeler vehicles opposite to the gate No.7. Based on the representation, the second respondent orally permitted the members of the petitioner Sangam to park their vehicles in the said place.

4. The petitioner would further submit that after getting permission from the second respondent, the land was levelled for parking the vehicles and they have also put up fence for security purpose in that place. Subsequently, electricity connection was provided in the year 2011. While so, all of a sudden on 09.02.2018, the respondents objected the members of the petitioner Sangam from parking in the said area. Aggrieved over the action of the respondents, the petitioner Sangam gave representation on 26.02.2018. Since no action has been taken, the present writ petition.

5. The learned counsel for the petitioner, while reiterating the averments made in the affidavit, submitted that the respondents can be directed to dispose of the representation of the petitioner and till then status-quo, may be directed to be maintained.

6. The learned Standing Counsel appearing for the respondents submitted that the representation of the petitioner would be considered in accordance with law.

7. In the light of the submissions made by the learned counsel on either side and considering the limited prayer sought for in the writ petition, this Court, without going into the merits of the case, directs the first respondent to dispose of the representation of the petitioner dated 26.2.2018, on merits and in accordance with law, after providing an opportunity to all necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order. Till such time the respondents are directed to maintain status-quo as on date.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

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

+1 CC to Mr.M. Rajasekar, advocate sr 21148.
+1 CC to Mr.P. Tamilmani, Advocate sr 17843.

W.P.No.5125 of 2018
and
W.M.P.No.6296 of 2018

NRJK (CO)
SP (22/03/2018)

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