

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.04.2018
CORAM
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
W.P No.7381 of 2018
and
W.M.P.Nos.9168 and 10639 of 2018

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

Vs

- 1.Chennai Metropolitan Development Authority,
Represented by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 2.The District Revenue Officer /
Chief Administrative Officer,
Chennai - 600 092. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of writ of certiorarified mandamus, calling for the records of the 2nd respondent in proceedings No.ANEKU/UPO/1379/2017, dated 12.03.2018 and quash the same and further direct the respondents to allow the petitioner Sangam and its members for using of parking vehicles in the open area opposite to Gate No.7, Koyambedu Wholesale Market Complex, Koyambedu, Chennai - 600 092 as per the representation dated 26.02.2018.

For Petitioner : Mr.M.Raja Sekhar

For Respondents : Mr.S.T.S.Murthy
Additional Advocate General
Assisted by Mr.P.Tamil Mani, for R1
Mr.M.Velmurugan, for R2

O R D E R

Heard Mr.M.Raja Sekhar, learned counsel for the petitioner, Mr.S.T.S.Murthy, learned Additional Advocate General Assisted by Mr.P.Tamil Mani, learned counsel for the first respondent and Mr.M.Velmurugan, learned counsel for the second respondent.

2. The prayer sought for in this writ petition is to quash the proceedings in No.ANEKU/UPO/1379/2017, dated 12.03.2018, issued by the second respondent and also direct the respondents to allow the petitioner Sangam and its members for parking vehicles in the open area opposite to Gate No.7, Koyambedu Wholesale Market Complex, Koyambedu, Chennai, as per the representation dated 26.02.2018.

3. The learned counsel for the petitioner submitted that this Court in W.P.No.5125 of 2018, by an order 08.03.2018, directed the respondents to consider the petitioner's representation and disposed it on merits, after providing an opportunity to all the necessary parties. The order was made ready only on 22.03.2018, but, the second respondent even before that rejected the representation of the petitioner on 12.03.2018, without affording opportunity to the petitioner.

5. The learned Additional Advocate General appearing for the first respondent submitted that so many complaints have been received by the respondents, regarding theft of two wheelers and misuse of the place by the parties. Therefore, as per the advice of the Deputy Commissioner of Police (Crime), the respondents have taken a decision to bring the open space for public auction. Admittedly, the petitioner did not participate in the public auction and Sri Mangalam Agency, Thiruvottiyur, Chennai, is the successful bidder for collecting tariff/parking fee in respect of the vehicles entering the Koyambedu Wholesale Market Complex. It is further submitted that the second respondent is ready to consider the grievance of the petitioner and pass orders afresh.

6. In the light of the above facts and the grievance expressed by the petitioner, in the considered opinion of this Court, the order impugned in this writ petition is liable to be quashed. Accordingly, it is set aside and the matter is remitted back to the second respondent, who shall pass orders afresh, in accordance with law after providing an opportunity of personal hearing to the petitioner, within a period of one week from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

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To

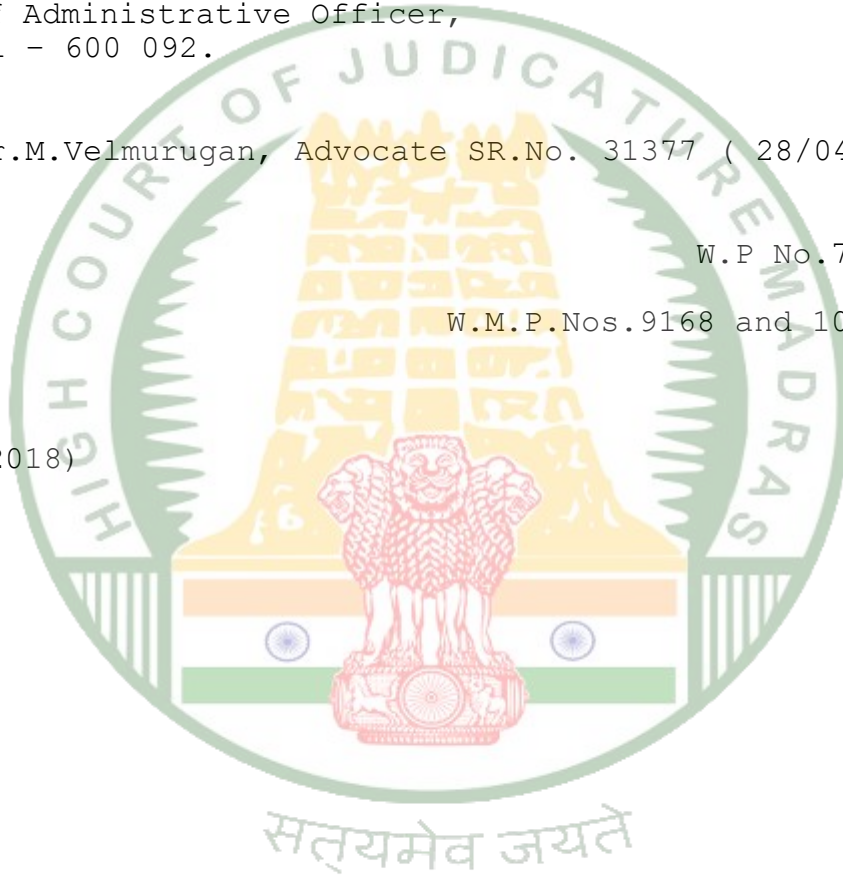
1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2.The District Revenue Officer /
Chief Administrative Officer,
Chennai - 600 092.

+1cc to Mr.M.Velmurugan, Advocate SR.No. 31377 (28/04/2018)

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EV (CO)
GN(24/04/2018)



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