

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.13099 of 2017 &
W.M.P.Nos.13991 & 13992 of 2017

Chennai Koyambedu Onion Wholesale
Traders Association, rep. by its
President M.John Valtharis,
No.J-108, Vegetable Market,
Koyambedu, Chennai - 600 092

.. Petitioner

Vs.

- 1.The Secretary,
Housing and Urban Development Department,
Fort St. George, Secretariat Building,
Chennai - 600 009.
- 2.The Secretary,
Municipal and Local Administration,
Fort St. George,
Secretariat Building, Chennai - 600 009.
- 3.The Member-Secretary,
Chennai Metropolitan Development Authority,
Gandhi-Irwin Road, Chennai - 600 008.
- 4.The Koyambedu Market Management Committee,
Rep. by its Chairman,
CMDA, Gandhi-Irwin Road,
Chennai - 600 008.
5. The Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai - 600 092.
6. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of
Certiorarified Mandamus, to call for the records pertaining to
the Tender Notification No.2/2017-2018, dated 13.04.2017 issued

by the fifth respondent and quash the same and direct the respondents to revise the rate proposed entry fee.

For Petitioner : Mr.R.Anburaj

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader
for R1 and R2

Mr.P.Tamilmani
Standing Counsel for R3

Mr.M.Velmurugan
Standing Counsel for R4 and R5

Mr.T.C.Gopalakrishnan
Standing Counsel for R6

O R D E R

Heard Mr.R.Anburaj, learned counsel for the petitioner; Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondents 1 and 2; Mr.P.Tamilmani, learned Standing Counsel for the third respondent; Mr.M.Velmurugan, learned Standing Counsel for the respondents 4 and 5; Mr.T.C.Gopalakrishnan, learned Standing Counsel for the sixth respondent and perused the materials available on record.

2. This Writ Petition has been filed by the registered association in Koyambedu Wholesale Market Complex, challenging the notification of the fifth respondent, dated 13.04.2017.

3. The petitioner would state that originally the respondents permitted parking of vehicles entering into the Koyambedu Wholesale Market Complex for 24 hours for the purpose of loading and unloading of goods, but later the time was reduced to 12 hours. The grievance of the petitioner is that by the impugned notification, the time is further reduced to 4 hours by introducing Access Control System with boom barriers.

4. Mr.M.Velmurugan, learned Standing Counsel for the respondents 4 and 5, on instructions, submitted that the respondents have now agreed to maintain the existing system and on additional payment of GST alone.

5. Mr.R.Anburaj, learned counsel for the petitioner submitted that the petitioner-Association is ready to pay the existing entry fee along with G.S.T.

6. Recording the submissions of the learned counsel on either side, this Writ Petition is disposed of as no further adjudication is required. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Secretary,
Housing and Urban Development Department,
Fort St. George, Secretariat Building,
Chennai - 600 009.
 - 2.The Secretary,
Municipal and Local Administration,
Fort St. George,
Secretariat Building, Chennai - 600 009.
 - 3.The Member-Secretary,
Chennai Metropolitan Development Authority,
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Rep. by its Chairman,
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Market Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai - 600 092.
 - 6.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai.
- +1 CC to Mr.M. Velmurugan, Advocate sr 45805.
+1 CC to Mr.P. Tamlimani, Advocate sr 45407.

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SP(31/07/2018)