

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.5560 of 2018

P.A.Jospeh

.. Petitioner

Vs

- 1 The State of Tamil Nadu
Rep. by its Secretary
Housing and Urban Development Department
Chennai-9.
- 2 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
No.2, Gandhi Irwin Road
Egmore, Chennai-600 008.
- 3 The Chief Executive Officer
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
No.2, Gandhi Irwin Road
Egmore, Chennai-600 008.
- 4 The Chief Administrative Officer
Market Management Committee
Koyambedu Wholesale Market Complex
Koyambedu, Chennai.
(R4 impleaded as per order dated
09.04.18 passed in WMP.7827/18)

.. Respondents

PRAYER:

Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to remove all the encroachments and not to allot, convert any place marked as pavements, pathways, parking area, ramp into any shops of temporary or permanent in nature contrary to the original master plan of Koyambedu Whole Sale Market Complex, Koyambedu, Chennai-600 092 and in violation of the act and rules thereunder and consequently forbearing the respondents from in any way granting temporary, festival, daily basis

licenses other than the whole sale license, as contemplated under Section 2(14), 20 and 21 of the Tamil Nadu Specified Commodities Markets (Regulation of Location) Act, 1996

For Petitioner : Ms.G.V.Seetha Lekshmi

For Respondents : Mr.S.Kamalesh Kannan
Government Advocate
for 1st respondent

Mr.S.Thiruvengadam
for respondents 2 and 3

Mr.M.Velmurugan
for 4th respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard Ms.G.V.Seetha Lekshmi, learned counsel for the petitioner; Mr.S.Kamalesh Kannan, learned Government Advocate for the first respondent; Mr.S.Thiruvengadam, learned counsel for respondents 2 and 3 and Mr.M.Velmurugan, learned counsel for the fourth respondent.

2. This petition relates to Koyambedu Wholesale Market. The prayer of the petitioner is to direct the respondents not to allot or convert any place marked as pavements, pathways, parking area, ramp into shops of temporary or permanent nature contrary to the original master plan of Koyambedu Whole Sale Market Complex, Koyambedu, Chennai-600 092 and in violation of the Act and Rules thereunder and consequently forbear the respondents from in any way granting temporary, festival, daily basis licenses other than the whole sale license.

3. In the affidavit tendered by the learned counsel for the Chennai Metropolitan Development Authority, it is denied that the pavements/pathways have been converted into shops in violation of the original master plan. It is further stated that Dr.Ambedkar Small Shops Traders Association filed a writ petition No.10803 of 2016 with a prayer for allotment of 97 platform shops to the allottees selected in the lot conducted on 20.11.1999 and this Court by an order dated 13.4.2016 directed the Chennai Metropolitan Development Authority to handover the platform shops within a period of four weeks and as per the direction of this Court and authority resolution, 97 shops were handed over to the allottees. Lastly, it is stated in the affidavit that the Koyambedu Wholesale Market is being maintained by the Market Management Committee.

4. The learned counsel for the Market Management Committee has tendered a status report as well as a counter affidavit, wherein it is stated that they are regularly conducting raids in the market and daily the encroachers are identified and removed from there and so also fines and penalties are imposed and collected from the unauthorized encroachments. In the counter affidavit, it is stated that they are not at all granting temporary, festival, daily basis licenses as alleged by the petitioner.

In view of the counter affidavits filed by respondents 2, 3 and 4, no further orders are necessary to be passed in this petition and the same is disposed of accordingly. No costs. Consequently, W.M.P.No.6867 of 2018 is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To:

- 1 The Secretary, State of Tamil Nadu
Housing and Urban Development Department
Chennai-9.
- 2 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
No.2, Gandhi Irwin Road, Egmore, Chennai-600 008.
- 3 The Chief Executive Officer
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai, No.2, Gandhi Irwin Road
Egmore, Chennai-600 008.
- 4 The Chief Administrative Officer
Market Management Committee
Koyambedu Wholesale Market Complex
Koyambedu, Chennai.

+1cc to Mr.E.Vijayanand, Advocate, S.R.No.71524
+1cc to Mr.M.Velmurugan, Advocate, S.R.No.71069
+1cc to Mr.S.Thiruvengadam, Advocate, S.R.No.70496
+1cc to the Government Pleader, S.R.No.70862

W.P.No.5560 of 2018

SPD(CO)
CS/13/09/2019