

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2019

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 3256 of 2014

&

W.M.P. Nos.1 & 2 of 2014

C.M.D.A. Truck Terminal Complex
Welfare Association,
Rep. by its Treasurer,
Mr. N.Vasu,
ATD-37, CMDA Truck,
Terminal Complex, Madhavaram,
Pooniammanmedu,
Chennai - 600 110.

(amended as per order of this Court
dated 05.04.2018 in WMP 7167/2018 in W.P.No.3256 of 2014)
... Petitioner

Vs

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

2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari Mandamus, to call for the records relating to the impugned proceedings dated 21.10.2013 Ref. C.No.SE/CW/PA/1036/2007 in A.R.No.130/2013 issued by the first respondent and quash the same and consequently direct the respondent authorities not to interfere with the right and enjoyment of the parking space and common open areas available in Madhavaram Bus and Truck Terminal Complex, Madhavaram, Chennai - 110 by the members of the petitioner association therein.

For Petitioner : Mr. S.Thanka Sivan

For Respondents : Mr.P.S.Ganesh,
for CMDA-R1

: Mr.R.Arunmozhi,
for R2

O R D E R

Challenging the resolution passed by the Chennai Metropolitan Development Authority/ the first respondent regarding handing over the management of the parking area at Madhavaram Truck Terminal Complex, the present writ petition has been filed.

2. The petitioner is the Truck Owners Welfare Association, according to the petitioner, the members of the Association were allotted with various plots in Madhavaram Truck and Bus Terminus by the CMDA for their use. Now, the dispute relates to a free parking area available in the Truck Terminal Complex. In a earlier round of litigation, this Court in W.P.No.26371 of 2008, by an order dated 30.10.2009 directed the CMDA to earmark sufficient free parking area in the Truck Terminal Complex, as they have already allotted 2.26 acres of land for free parking of light motor vehicles. As per the present resolution, the CMDA resolved to allow free parking of heavy vehicles and also resolved to hand over the heavy vehicle parking area along with non-saleable free parking area for small vehicles in Madhavaram Truck Terminal Complex, as per the approved layout to Chennai Corporation, at free of cost for parking management.

3. The learned counsel appearing for the petitioner would submit that there is a proposal by the Corporation demanding parking fees from the petitioner. Hence, the present writ petition has been filed.

4. The learned counsel appearing for the respondents would submit that the impugned resolution only authorize the 2nd respondent Corporation to maintain the parking area, for which, the petitioner can not have any grievance.

5. I have considered the rival submissions and perused the materials available on records carefully.

6. From a reading of the above resolution, it is clear that only management of the free parking area is handed over to the

Corporation, for which the petitioner cannot have any grievance. Considering the above facts and circumstances, I find no merit in the writ petition and this petition is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrp
To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

+lcc to Mr.S.Thankasivan, Advocate sr.5128
+lcc to Mr.P.S.Ganesh, Advocate sr.4856
+lcc to Mrs.R.Arunmozhi, Advocate Sr.5450

सत्यमेव जयते

W.P. 3256 of 2014
and

W.M.P.1 & 2 of 2014

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