

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2020

CORAM

THE HONOURABLE THIRU JUSTICE N.ANAND VENKATESH

W.P.No.11399 of 2020 and
W.M.P.Nos.13911, 13912, 13913 & 13915 of 2020

- 1.S.Murugan,
Son of Sangili,
Prop.SBM Flower Wholesale Vendor,
F/A 75, Kamarajar Flower Market,
Koyambedu, Chennai 600 107.
- 2.P.Palpandi,
Son of G.Palanisamy,
Prop. Flower Wholesale Vendor,
F/D 31, Kamarajar Flower Market,
Koyambedu, Chennai 600 107.
- 3.M.Parthiban,
Son of Muthu,
Prop. BPN Flower Wholesale Vendor,
F/C-56, Kamarajar Flower Market,
Koyambedu, Chennai 600 107.
- 4.S.Govindaraj,
Son of Subbiah,
Prop. SYR Flower Wholesale Vendor,
F/D-23, Kamarajar Flower Market,
Koyambedu, Chennai 600 107.
- 5.N.Puviarasu,
Son of Narayanan,
Prop. KB Flower Wholesale Vendor,
F/B-36, Kamarajar Flower Market,
Koyambedu, Chennai 600 107.
- 6.S.Loganathan,
Son of Sadayandi,
Prop. VSL Flower Wholesale Vendor,
F/C-56, Kamarajar Flower Market,
Koyambedu, Chennai 600 107.
- 7.R.Ramamurthy,
Son of K.Ramasamy,
Prop. RRM Flower Wholesale Vendor,
F/B-27, Kamarajar Flower Market,
Koyambedu, Chennai 600 107.

8.R.Balachandran,
Son of Ramasamy,
Prop.BPN Flower Wholesale Vendor,
F/C-44, Kamarajar Flower Market,
Koyambedu, Chennai 600 107.

9.S.Srinivasan,
Son of Subburaj,
Prop. SVL Flower Wholesale Vendor,
F/C-12, Kamarajar Flower Market,
Koyambedu, Chennai 600 107.

10.S.Selvam,
Son of Sangilikaruppaiah,
Prop.DSNM Flower Wholesale Vendor,
F/C-12, Kamarajar Flower Market,
Koyambedu, Chennai 600 107.

11.R.Nagamanikandan,
Son of Ramasamy,
Prop. BPN Flower Wholesale Vendor,
F/C-77, Kamarajar Flower Market,
Koyambedu, Chennai 600 107.

12.R.Manikandan,
Son of Rajamani,
Prop. SMR Flower Wholesale Vendor,
F/D-22, Kamarajar Flower Market,
Koyambedu, Chennai 600 107.

13.M.Deivam,
Son of Muniyandi,
Prop. MDDR Flower Wholesale Vendor,
F/C-22, Kamarajar Flower Market,
Koyambedu, Chennai 600 107.

14.R.Murthy,
Son of Kalimuthu,
Prop. RKM Flower Wholesale Vendor,
F/C-41, Kamarajar Flower Market,
Koyambedu, Chennai 600 107.

15.R.Alappan,
Son of Ramasamy,
Prop. MRA Flower Wholesale Vendor,
F/D-46, Kamarajar Flower Market,
Koyambedu, Chennai 600 107.

.. Petitioners

versus

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Construction Wing, Tower-II, 9th Floor,
Thalamuthu Natarajan Building,
Gandhi Irwin Road,
Egmore, Chennai 600 008.

2.The Chief Administrative Officer,
Koyambedu Wholesale Market,
Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai -107.

3. The Commissioner,
Hindu Religious and Charitable Endowments
Board, Nungambakkam,
Chennai 600 034.

4.The Additional Commissioner,
Hindu Religious and Charitable Endowments
Board, Nungambakkam,
Chennai 600 034.

5.The Executive Officer,
Arulmighu Kailasanathar and
Vaikundra Perumal Thirukkoil
Vanagaram, Chennai 600 095.

6.Chennai Koyambedu Malar Motha
Vyabarigal Sangam, Rep by its
Secretary, FC-118 and FC-119,
Kamarajar Flower Market,
Koyambedu, Chennai 600 107.

Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned letter No.K2/2609/2020-2 dated 12.08.2020 on the file of the first respondent and quash the same and direct the respondents 1 and 2 and 6th respondent to allot shops to the wholesale flower vendors namely the petitioners, in the land belonging to Arulmighu Kailasanathar and Vaikundra Perumal Thirukkoil situated at Vanagaram Village measuring an extent of 4.62 acres comprised in Survey No.8 and 21 under the control of the respondents 3 to 5 free of cost as that of the whole sale traders doing vegetable and fruit business at Thirumazhisai and Madhavaram.

For Petitioners: Mr.K.Shivakumar

For Respondents: Mr.Thiruvenkadam for R1
Mr.Velmurugan for R2
Mr.Venkatesh for R3 to R5

ORDER

This writ petition has been filed challenging the impugned letter issued by the first respondent dated 12.08.2020, wherein, the members belonging to sixth respondent Sangam have been asked to pay exorbitant amount towards licence fee to conduct their business at a place identified in Vanagaram. This place belongs to the fifth respondent Temple. Therefore, the Temple has to be given licence fee in order to permit the running of such business.

2. The grievance of the petitioners is that they are small time flower vendors. For the last three months, they have virtually lost their livelihood and they are desperately looking for an alternative place to do their business. The main grievance of the petitioners is that when the vegetable and fruit vendors are allotted alternative place for free of cost, it is not reasonable to insist that the flower vendors should pay huge amount towards the licence fee for conducting the business.

3. The learned counsel appearing for the petitioners submitted that the petitioners were earlier doing their business at Koyambedu Market and it was closed in May 2020 and from then, the petitioners are virtually out of business. The learned counsel for the petitioners would also submit that the fifth respondent is demanding huge sum of money from the petitioners to put up their shop at Vanagaram and the petitioners are not in a position to pay such a huge amount of money, particularly, when they are out of business for the last three months. The learned counsel would therefore submit that the respondents may be directed to allow the petitioners to do their business in same alternative place for free of cost.

4. Mr.Thiruvencatam, learned counsel appearing on behalf of the first respondent, submitted that the alternative place was identified at Madhavaram. The petitioners refused to conduct the business in the alternative place suggested by the first respondent. Since the Association did not accept the alternative place allotted by the first respondent, the first respondent identified another place belonging to the fifth respondent Temple. The sixth respondent Sangam also accepted the alternative place to do their business.

5. The learned counsel appearing for the first respondent would also submit that the alternative place belongs to the fifth respondent temple and therefore, the rent has to be paid to the Temple and it cannot be given free of cost. The learned counsel submitted that if the petitioners are not in a position to pay the rent, they can do their business in the place identified at Madhavaram, till the regular market is opened. The learned counsel also submitted that the first respondent can come to the aid of the petitioners only to that extent.

6. In reply to the submission of the learned counsel appearing for the first respondent, the learned counsel appearing for the petitioners submitted that the petitioners will do their business at the alternative place at Madhavaram till the Koyambedu Market is opened.

7. In view of the specific stand taken by the learned counsel appearing on either side, this writ petition is disposed of by directing the first respondent to permit the petitioners to do their business at the alternative market in Madhavaram, till the regular market in Koyambedu is opened at a future date.

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

Sd/-
Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar

gsk

To

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
Construction Wing, Tower-II, 9th Floor,
Thalamuthu Natarajan Building,
Gandhi Irwin Road,
Egmore, Chennai 600 008.
- 2.The Chief Administrative Officer,
Koyambedu Wholesale Market,
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3. The Commissioner,
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Board, Nungambakkam,
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Hindu Religious and Charitable Endowments
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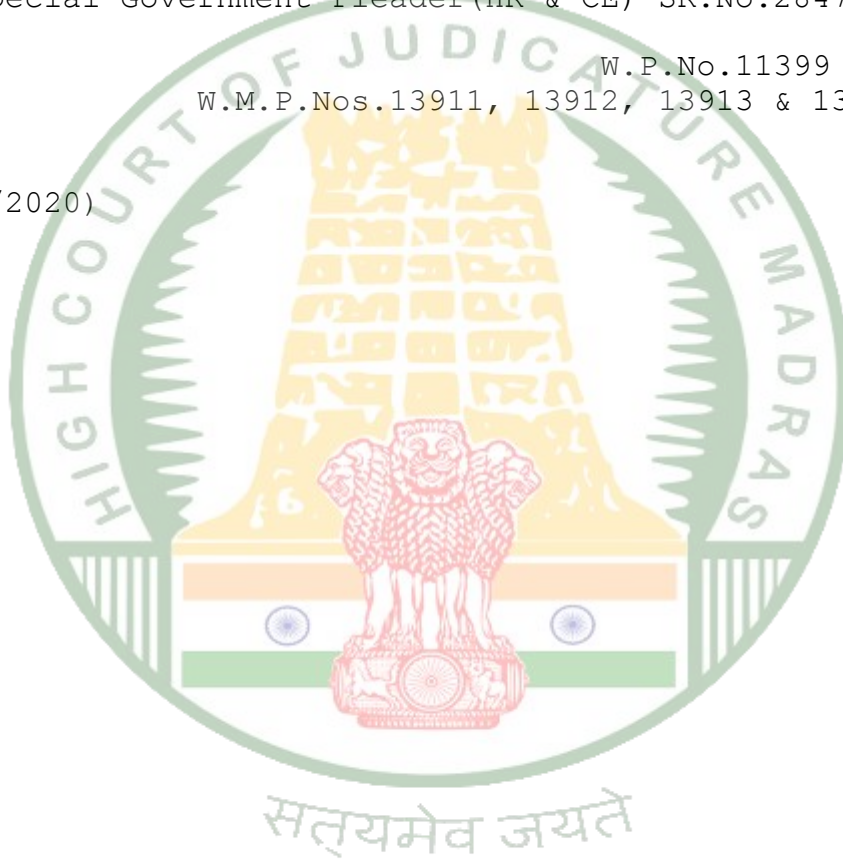
5.The Executive Officer,
Arulmighu Kailasanathar and
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6. The Secretary,
Chennai Koyambedu Malar Motha
Vyabarigal Sangam, FC-118 and FC-119,
Kamarajar Flower Market,
Koyambedu, Chennai 600 107.

+1cc to Special Government Pleader(HR & CE) SR.No.28474

W.P.No.11399 of 2020 and
W.M.P.Nos.13911, 13912, 13913 & 13915 of 2020

SPD(CO)
GMY(19/10/2020)



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