

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.Nos.14741, 14743, 14748, 14749 & 14753 of 2020
and
WMP.Nos.18321, 18322, 18327, 18330 & 18332 of 2020

... Petitioner in

T.Tamilselvam	W.P.No.14741 of 2020
T.Sakthivel	W.P.No.14743 of 2020
M.Rajendran	W.P.No.14748 of 2020
A.S.Raja	W.P.No.14749 of 2020
A.Govindarajan	W.P.No.14753 of 2020

..Vs..

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Gandhi Irwin Road,
Egmore, Chennai-600 008.
 2. The Chief Executive Officer cum Chief Planner,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Gandhi Irwin Road,
Egmore, Chennai 600 008.
 3. The District Revenue Officer,
Chennai Metropolitan Development Authority,
Market Management Committee,
Koyambedu wholesale Market Complex,
Koyambedu, Chennai 600 092.
 4. The Superintendent,
Chennai Metropolitan Development Authority,
Market Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai 600 092.
- ...Respondents in all W.Ps

W.P.No.14741 of 2020:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to release the vehicle bearing Registration No.TN-02-BB-6832, Ashok Leyland model Lorry to the petitioner pursuant to the representation dated 29.09.2020 given to the respondents and pass orders.

W.P.No.14743 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to release the vehicle bearing Registration No.TN-02-BL-5217, Eicher model Lorry to the petitioner pursuant to the representation dated 29.09.2020 given to the respondents and pass orders.

W.P.No.14748 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to release the vehicle bearing Registration No.TN-12-AA-9254, Eicher model Lorry to the petitioner pursuant to the representation dated 29.09.2020 given to the respondents and pass orders.

W.P.No.14749 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to release the vehicle bearing Registration No.TN-12-D-6774, Ashok Leyland model Lorry to the petitioner pursuant to the representation dated 29.09.2020 given to the respondents and pass orders.

W.P.No.14753 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to release the vehicle bearing Registration No.TN-02-BB-3755, Ashok Leyland model Lorry to the petitioner pursuant to the representation dated 29.09.2020 given to the respondents and pass orders.

For Petitioner in

W.P.Nos.14741 & 14743/2020 : Mr.R.Lakshmanan

W.P.No.14748 /2020 : Mr.M.Vijay

W.P.Nos.14749 & 14753/2020 : Mr.R.Anbarasan

(in all WPs.)

For Respondents1 & 2 : Mr.P.H.Arvind Pandian,
Additional Advocate General,
assisted by Mr.Tamilmani,
Government Advocate.

For 3rd Respondent : Mr.Mani Gopi,
Government Advocate.

For 4th Respondent : Mr.Velmurugan,
Standing counsel.

COMMON ORDER

The issue involved in all these writ petitions are common and therefore, they are taken up together and this common order is passed.

2.The grievance expressed in all these writ petitions is that the vehicles belonging to the petitioners has been retained by the respondents in the Koyambedu market and the petitioners are seeking for a direction to the respondents to release the vehicles.

3.Mr.P.H.Aravind Pandian, learned Additional Advocate General, appearing on behalf of respondents 1 and 2 submitted that the petitioners had unauthorizedly loaded and unloaded vegetables near a gate that was specifically prohibited by the respondents. The learned Additional Advocate General further submitted that a notice dated 06.10.2020, has been issued to each of the petitioner calling for their explanation and none of the petitioners came forward to give their explanation. The learned Additional Advocate General submitted that once an explanation is given, the petitioners can take back their vehicles and the respondents do not intend to seize the vehicles permanently.

4.Mr.Velmurugan, learned standing counsel appearing on behalf of 4th respondent, apart from adopting the arguments of the learned Additional Advocate General, submitted that the fourth respondent had to take stringent measures and restrict the movement of vehicles to ensure that too many people do not congregate in the same place. The learned counsel submitted that Koyambedu was a hot spot for the spread of corona virus and therefore, the traders will have to strictly comply with the directions issued by the respondents.

5.The learned counsel appearing on behalf of the petitioners submitted that the petitioners received the notices only two days back and they are willing to give their explanation and requested this Court to give a direction to the respondents to release the vehicles.

6.Taking into consideration the facts and circumstances of the case and also considering the peculiar situation that is prevailing today, the traders will have to necessarily abide by the directions given by the respondents. The traders will have to co-operate with the respondents even though it may cause some hardship. Therefore, this Court does not find any illegality in the action taken by the respondents. It is done only to ensure that the mistake is not repeated in future.

7. In view of the above discussion, there shall be a direction to the petitioners to appear before the third respondent and submit their explanation for the notice dated 06.10.2020. On receipt of the explanation, the third respondent shall release the vehicles to the respective petitioners. In future, the petitioners, shall park their vehicles only in those places which are authorized by the respondents.

8. All these writ petitions are disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
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2. The Chief Executive Officer cum Chief Planner,
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4. The Superintendent,
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Market Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai 600 092.

5. The Government Pleader,
High Court, Madras.

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RP (CO)
KKV/23/10/2020



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