



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18414 of 2014

and

M.P.Nos.1 and 2 of 2014

C.M.D.A. Truck Terminal,
Complex Welfare Association,
Rep. by its President Mr.M.Vasudevan,
ATD-37, CMDA Truck Terminal Complex,
Madhavaram, Ponnammanmedu,
Chennai-110.

...Petitioner

Vs

1 Chennai Metropolitan Development Authority
Rep. by its Chief Executive Officer,
Thalamuthu Natarajan, Building No.1,
Gandhi Irwin Road, Egmore, Chennai-8.

2 Corporation of Chennai,
Rep. by its Commissioner,
Rippon Buildings, EVR Salai,
Chennai-3.

3 The Commissioner of Police,
O/o.The Commissioner of Police, Egmore,
Chennai-8.

4 The Deputy Commissioner of Police,
Madhavaram, Chennai-110.

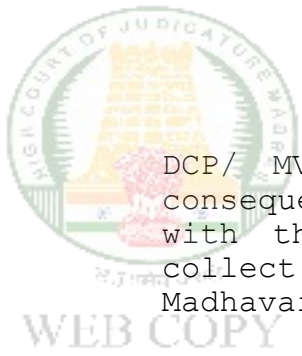
5 The Assistant Commissioner of Police,
Puzhal Range, Chennai-66.

6 THE REGISTRAR OF SOCIETIES,
District Registrar Office,
Chennai (North),
Kuralagam, Chennai -108.

...Respondents

(R6 SUO MOTU IMPEADED VIDE ORDER
DT 20.10.2021 MADE IN WP.18414/2014 BY SMSJ)

PRAYER : Writ Petition filed Under Article 226 of the
Constitution of India, praying to issue a writ of certiorarified
Mandamus, calling for the records of the respondent in Rc.No.11/



DCP/ MVM/Camp/ 2014 dated 20.3.2014 and quash the same and consequently forbear the respondents 2 4 and 5 from interfering with the legitimate rights of the petitioner Association to collect the maintenance charges for the maintenance of Madhavaram CMDA Truck Terminal Complex from its members.

For Petitioners: Mr.J.Gowthaman

For Respondents: Mrs.Malarvizhi Udayakumar (for R1)
for CMDA
Mr.K.M.D.Muhilan (for R3 to R6)
Govt. Advocate.
No appearance (for R2)

O R D E R

The order dated 20.03.2014 issued by the Deputy Commissioner of Police, Madhavaram, is under challenge in the present writ petition.

2. The impugned proceedings is nothing but the minutes recorded during the meeting conducted by the Deputy Commissioner of Police along with the officials of the CMDA, Corporation and the Association office bearers.

3. The minutes of the meeting in ordinary course cannot be challenged in a writ proceedings as there was no objections recording the minutes during the relevant point of time, when the meeting was conveyed. The petitioner cannot approbate and reprobate by participating in the meeting and thereafter raising an objection in respect of the minutes recorded.

4. Let us now consider the business of the petitioner. The petitioner is a CMDA Truck Terminal Complex Welfare Association. It is an association registered under the Societies Registration Act. No doubt the petitioner has got a right to register an association and carry on their activities for the welfare of its members. However, they are not empowered to interfere with the statutory functioning of the competent authorities of the Government, Corporation, CMDA, Police and other departments. Thus, any interference by the petitioner association or by its members with reference to the statutory functioning of the authorities can never be accepted and in such circumstances, if any complaints are received, the authorities competent are empowered to initiate all further action in the manner known to law.

5. The learned counsel for the petitioner has no quarrel in respect of the proposition that the authorities are competent to initiate action in the event of any complaint in the matter of



collection of parking fee and maintenance charges. The collection of parking fee and maintenance charges are to be done strictly in accordance with the scheme or rules in force. It is not as if, the petitioner association shall collect parking fee and maintenance charges from the persons who are all utilizing the terminal complex constructed and being maintained by the CMDA / Corporation.

6. Thus, any public collection by any private person must be done strictly in accordance with law. No private body is empowered to collect any parking fee or charges from the public including the members of the association except with the authority of law and not otherwise. If at all any licence is granted for collection of parking fee or lease is granted by the competent authority, then alone such private parties or association are empowered to collect the parking fee or maintenance charges and not otherwise.

7. The petitioner could not able to establish any such licence granted by the competent authority under the statute or rules. However, they are claiming that the complex is not being maintained properly by the authorities and in order to maintain the complex, they are collecting money from their own members. However, such collections in public is not permitted. No doubt, the association may collect money from the members. However, for maintaining the building they require a permission from the authorities competent as it is a public premises, which must be made available for the usage of public at large. Thus, by collecting maintenance charges from the members of the association, the petitioner cannot maintain the building, which is otherwise impermissible under the scheme or the rules in force. Even for maintenance of public premises appropriate permission from the competent authorities are mandate.

8. This being the principles to be followed, the petitioner though permitted to collect money from the members, they cannot collect by stating that such collections are made for the purpose of maintenance of CMDA Terminal Complex which is otherwise is to be maintained by the CMDA / Corporation. In the event of improper maintenance, the persons who are in occupation of the complex including the petitioner association is empowered to submit representation to the authorities for such maintenance. The authorities are also duty bound to maintain the complex properly for the free usage of the public at large.

9. The learned Government counsel appearing on behalf of the respondent made a submission that there are several allegations received by the police authorities that illegal collections are made by some associations in the terminal complex and more so, by the petitioner association. Any such illegal collection must



be dealt with sternly and no leniency can be shown. Any such illegal collection would lead to criminal activities between various groups in public places and therefore, police authorities are expected to have watch on these illegalities and initiate legal action then and there to stop all such illegal activities in terminal complex.

10. Further, the CMDA Truck Terminal Complex is made available for the usage of the public at large. Many trucks are coming from within the State as well as from various other States also. Drivers belonging to various other States, speaking different languages are coming and using the CMDA Truck Terminal Complex and there is possibility of abuse by the Association office bearers and therefore, the protection of rights of those employees and owners of trucks are also of paramount importance. It is the duty of the jurisdictional police to provide protection to all those persons who are all utilizing the Terminal complex. There cannot be any room for such complaints. It will affect the very image of State Public Administration and therefore, in the event of any such collection from any person from the truck owners, public or drivers, otherwise in accordance with law can never be permitted and in the event of any complaint, stringent actions are to be initiated against all such offenders.

11. It is brought to the notice of this Court that the infrastructure in the terminal complex were already handed over to Madhavaram Municipal Corporation of Chennai and the Corporation of Chennai has to carry out the repair works by availing the funds under I&A Funds. In view of the pendency of the cases, the CMDA is unable to float tenders for for collecting entry/parking fee.

12. This being the submission, the CMDA and Corporation officials are duty bound to initiate all steps to maintain the terminal complex for providing better infrastructures and to maintain the building for the benefit of the users.

13. As far as the relief sought for in the present writ petition is concerned, it is clarified that the petitioner/registered association may act for the welfare of its own members. However, they are not empowered to collect any parking fee or maintenance charges from the users of the complex as the complex is being maintained by the CMDA and corporation officials. The Association cannot indulge in any such activities. In the event of improper maintenance, the association is at liberty to approach the competent authority for the purpose of maintenance of the building in a proper manner.

14. Contrarily, they are not expected to take maintenance in



their hands and by collecting money from the members or other persons, they cannot perform the works as far as the complex is concerned. This being the rights which can be exercised by the petitioner association, the relief as such sought for cannot be granted. The petitioner association is also expected to cooperate for the maintenance of law and order in the Terminal Complex and in the event of any violation, the police authorities are bound to initiate all appropriate actions.

15. With these observations, the writ petition stand disposed of. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Chief Executive Officer,
Chennai Metropolitan Development Authority
Thalamuthu Natarajan, Building No.1,
Gandhi Irwin Road, Egmore, Chennai-8.
- 2 The Commissioner,
Corporation of Chennai,
Rippon Buildings, EVR Salai, Chennai-3.
- 3 The Commissioner of Police,
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- 6 THE REGISTRAR OF SOCIETIES,
District Registrar Office,
Chennai (North), Kuralagam, Chennai -108.

+1cc to the Government Pleader, S.R.No.55907

W.P.No.18414 of 2014

VSN-II (CO)
RGA(17/11/2021)