



W.P. No.28051 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.28051 of 2021

M.Palanisamy

... Petitioner

Vs.

1.The Commissioner,
Coimbatore Municipal Corporation
Coimbatore

2.M/s.Coimbatore District Retail Fish Sellers
Association,

rep. By its President Mr.M.B.Subair

... Respondents

(R-2 impleaded vide order dated 27.06.2022
in WMP No.12353/2022)

Prayer: Writ Petition under Article 226 of the Constitution of India
praying for a Writ of Mandamus forbearing the respondent from
demolishing the fish market situated at T.S.Nos.1905/9, Part-3,
1905/9 Part-4, 1905/10 and 1905/11 Part, Coimbatore South Taluk,
Coimbatore Municipal Corporation Limit, Coimbatore (Ukkadam Perur
Bye-pass Road, Ukkadam).

For the Petitioner

:: Mr.C.Prakasam



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For the Respondents ::

Mr.S.Silambannan,
Additional Advocate-General,
assisted by Mr.K.Magesh,
for the first respondent

Mr.B.Gopalakrishnan,
for the second respondent

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed seeking a Writ of Mandamus forbearing the first respondent from demolishing fish market situated at T.S.Nos.1905/9, Part-3, 1905/9 Part-4, 1905/10 and 1905/11 Part, Coimbatore South Taluk, Coimbatore Municipal Corporation Limit, Coimbatore (Ukkadam Perur Bye-pass Road, Ukkadam) and to pass appropriate orders.

2. According to the petitioner, he is selling fish and running a chicken centre for the past several years. When the fish and chicken merchants made a request to the Government as well as before the Coimbatore Corporation for construction of a market, after considering their request in the year 2010, the Government decided to construct a fish market at Ukkadam and accordingly, constructed



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72 shops and let out the same for fish and chicken shops on rental basis. The petitioner took four shops in the said market and has been paying rent regularly.

3. In the year 2020, the petitioner has come to now that some private persons have been putting up construction in the Corporation land with the help of Corporation officials, and there was also a proposal to demolish the present fish market and the vendors were asked to vacate the market.

4. Therefore, the petitioner made representations dated 17.08.2021 and 27.08.2021 with a request not to demolish the fish market and also not to insist upon the petitioner and others to shift their shops to private commercial complex constructed in the Corporation land. Since no response was forthcoming, the present writ petition has been filed, styled as a 'public interest litigation'.

5. Mr.C.Prakasam, learned counsel for the petitioner, submitted that the Government has allotted 1.10 acre of land to Fish Market Vendors Association. But this land has been handed over to private



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persons to construct the market. In fact, Coimbatore Municipality should have come forward to construct the market so that ordinary merchants like the petitioner could take part in the auction, take shops on lease and eke out their livelihood by paying rent regularly. But in the present case, the first respondent has allotted 1.10 acre to the Fish Market Vendors Association, which is a private entity. Now, the office bearers of the association are demanding huge money from others, including the petitioner, for allotment of shops in the new market. Therefore, direction may be issued to the first respondent not to demolish the existing fish market.

6. A detailed counter-affidavit has been filed by the first respondent, denying the contentions put forward by the petitioner.

7. Mr.S.Silambannan, learned Additional Advocate-General appearing for the first respondent submitted that only to accommodate fish vendors, by allotting them alternate site for their business, the Coimbatore Corporation has allotted a vacant land measuring an extent of 1.10 acres situated at Pullukadu, Ukkadam area comprised in T.S.No.18, Ward No.86, South Zone, Coimbatore



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South Taluk, Coimbatore, to the Fish Market Vendors Association. As the Corporation is not in a position to construct the building at their own cost, the vacant site has been leased out and the construction of fish market is underway by collecting funds from the members of the Fish Market Vendors Association. When the land has not been handed over to any individual but to Fish Market Vendors Association, which is a registered Association having 70 members, the petitioner who is an individual, cannot file this writ petition under the guise of public interest litigation, while he is actually espousing only his private cause.

8. In reply, the learned counsel for the petitioner submitted that the petitioner also has support of about 50 members. However, the petitioner has not produced any material in evidence of the same.

9. It is brought to the notice of this Court that 20 shops out of 72 shops situated in the old fish market have already been closed for non-payment of rent and the other vendors have also agreed to shift their business to new fish market near Pullukadu, except the petitioner, who is having four shops in the fish market.



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10. We do not see any merit in the arguments advanced by the learned counsel for the petitioner. A concrete stand has been taken by the first respondent in the counter-affidavit that since the Corporation is not in a position to construct the building at their own cost, the vacant site has been leased out and the construction of fish market is underway by collecting funds from the members of the Fish Market Vendors Association. No reason has been assigned by the petitioner as to why he is hesitating to join the 70 others, who are members of the Fish Market Vendors Association. We also do not find any public interest in the writ petition.

11. Hence, the writ petition fails and the same is dismissed. No costs. Consequently, WMP No.29626 of 2021 is also dismissed.

(T.R., ACJ.) (D.K.K., J.)
20.10.2022

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To

1.The Commissioner,
Coimbatore Municipal Corporation
Coimbatore



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T.RAJA, ACJ,
and
D.KRISHNAKUMAR, J.

(tar)

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