



WEB COPY



W.P.No.6151 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.6151 of 2017

and

W.M.P.No.20785 of 2017

Chennai Koyambedu Flower Wholesale Merchant Association,
Rep., by its Secretary,
Rondian

... Petitioner

Vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore, Chennai.

2.The Chief Executive Officer,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore, Chennai.

3.The Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to permanently close Gate No.20 for the usage of flower traders in Koyambedu Wholesale Market Complex, Koyambedu, Chennai.



WEB COPY



W.P.No.6151 of 2017

For Petitioner : Mr.V.Ashok Kumar

For Respondents : Mrs.P.Veena Suresh, for RR1 & 2
Mr.C.N.Vinobha, for R3

ORDER

This Writ Petition has been filed to direct the respondents to permanently close Gate No.20 for the usage of flower traders in Koyambedu Wholesale Market Complex, Koyambedu, Chennai.

2. The case of the Writ Petitioner is that the flower merchants are carrying on their wholesale trading business in the exclusive block earmarked for trading flowers and there are about 450 flower merchants. Originally, there were 18 gates provided in Koyambedu wholesale market complex, as per approval layout. As there is no proper exit gate for the flower merchants, at request, the CMDA had constructed Gate No.19 for flower merchants. Subsequently, Gate No.19 had been closed as vicinity area, had been handed over to Ramky for dumping. Hence, Gate No.18 was closed permanently. When this being so, the temporary gate was created for the purpose of using open space during festival and vacation seasons for the purpose of parking Government buses and the gate will be closed after holidays. There are several traders encroaching the open space in market area and unauthorizedly carrying on trading activities. The so called temporary gate is called



as Gate No.20. The authorities have decided not to close the said opening area which is called as Gate No.20 unofficially. Hence, it is the contention that unofficial Gate No.20 is being opened only during the festival time and it was opened during pongal festival, January 2016, till date it was not closed. Hence, direction is sought to close the gate.

3. Learned counsel for the respondents brought to the notice of this Court that in W.A.No.58 of 2016 wherein the resolution of the corporation was challenged for closing the Gate No.20. This Court disposed the writ appeal, with the following observations, which reads as follows:-

“6. When it was pointed out that a wicket gate could be provided near Gate No.20 in the interest of traders and the general public, respondents 1 to 3 agreed for such a course. We therefore directed the third respondent to file an affidavit.

7. The third respondent in his affidavit dated 5 December 2010 submitted that a wicket gate of 4 ft. length would be erected near the existing Gate No.20. The wicket gate would be kept open from 4.a.m. to 2.p.m. on all working days of the Koyambedu Wholesale market. The undertaking given by the Chief Administrative Officer, Market Management Committee, Koyambedu Wholesale Market Complex is taken on record.



WEB COPY



W.P.No.6151 of 2017

8. *We direct the respondents 1 to 3 to provide the wicket gate as indicated in the affidavit, as expeditiously as possible and in any case, on or before 31 January 2018. The wicket gate should be kept open from 4 a.m to 2 p.m. on all working days as undertaken by the Chief Administrative Officer. There would not be any right to the appellant to make a further claim for opening the Gate no.20, which is stated to be an emergency gate.”*

4. When the Division Bench has already permitted to provide a wicket gate and it should be kept open from 4.00 am to 2.00 pm on all working days as undertaken by the Chief Administrative Officer, this Court cannot direct the authorities to close the gate permanently. In such view of the matter, the order of the Division Bench itself squarely applies to the petitioner.

5. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

15.02.2023

Index :Yes/No

Neutral Citation:Yes/No

AT



W.P.No.6151 of 2017

To

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore, Chennai.

2.The Chief Executive Officer,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore, Chennai.

3.The Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai.



WEB COPY



W.P.No.6151 of 2017

N.SATHISH KUMAR, J.

AT

W.P.No.6151 of 2017 and
W.M.P.No.20785 of 2017

15.02.2023