



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Seventh day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

WMP(MD) No.4701 of 2023
IN
WP(MD) No.4869 of 2019

THE COMMISSIONER,
MADURAI CORPORATION,
MADURAI 625 002.

... 4TH RESPONDENT/4TH RESPONDENT
/PETITIONER

Vs

1 MGR CENTRAL MARKET,
ALL TRADERS ASSOCIATION,
MATTUTHAVANI,
MADURAI-20,
REGN.NO.191/2018,
THROUGH ITS SECRETARY,
M.KRISHNAPANDI

... WRIT PETITIONER/PETITIONER/1ST RESPONDENT

2 THE COMMISSIONER,
AGRICULTURE MARKETING AND AGRICULTURE BUSINESS,
CIPET ROAD, GUINDY,
CHENNAI 32.

3 THE ASSISTANT DIRECTOR
AGRICULTURE MARKETING AND AGRICULTURE BUSINESS,
MADURAI-20

4 THE DISTRICT COLLECTOR
MADURAI DISTRICT.

... RESPONDENTS/RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to vacate the interim order granted in W.M.P.(MD).No.3878 of 2019 in W.P.(MD).No.4869 of 2019 dated 29.04.2019 and consequently dismiss the above writ petition.

Prayer in WP(MD). 4869/ 2019 :

To issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the letter dated 11.12.2018 in No.E/3689/2018 and quash the same and further direct the 1st respondent to implement the Market Establishment project as per G.O.Ms.No. 182



dated 26.08.2010 by considering the petitioners representation dated 13.2.2019.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.MURALI R, Advocate for the petitioner and of MR.M.VINAYAGA MOORTHY, Advocate on behalf of the 1st Respondent and MR.P.T.THIRAVIYAM, Government Advocate on behalf of the Respondent Nos.2 to 4, the court made the following order:-

The 4th respondent / the Commissioner, Madurai Corporation, Madurai - 625 002 in the writ petition, has filed this miscellaneous petition to vacate the interim injunction granted by this Court in WMP(MD)No.4869 of 2019 dated 29.04.2019.

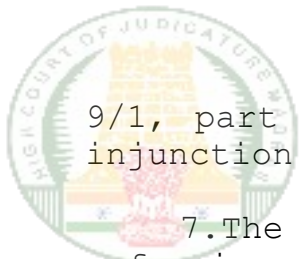
2.The writ petition was filed by the Secretary, M.G.R.Central Market All Traders Association, Mattuthavani as against the communication of the 1st respondent / the Commissioner Agriculture Marketing and Agriculture Business, Chennai, dated 11.12.2018 to the writ petitioner association and for a consequential direction to implement market establishment project as per GO.Ms.No.182, dated 26.08.2010 by considering the petitioner's representation dated 13.02.2019. The writ petitioner has also filed a miscellaneous petition in WMP(MD)No.3878 of 2019 seeking interim injunction as against the respondents not to disturb or deviate the petitioner's market establishment proposed lands admeasuring 27 acres situated in TS.No.4/1 & 2 part 9/1, part Survey Ward XVI, Block No.65 till the disposal of the writ petition.

3.This Court while entertaining the writ petition has granted an order of interim injunction as prayed for in WMP(MD)No.3878 of 2019. Aggrieved over the same, the present miscellaneous petition has been filed by the 4th respondent Corporation.

4.The learned Counsel appearing for the Madurai Corporation submits that survey No.TS.No.4/1 & 2 part 9/1, part Survey Ward XVI, Block No.65 belong to the Madurai Corporation. The petitioner association under misconception of the government order in GO.Ms.No.182, which had already been dropped, has filed this writ petition as if there is a proposal to establish a market in survey No.TS.No.4/1 & 2 part 9/1, part Survey Ward XVI, Block No.65.

5.The learned Counsel also submits that the Corporation has already established a central market and it has been shifted near to survey No.TS.No.4/1 & 2 part 9/1, part Survey Ward XVI, Block No.65. However the petitioner association has filed the writ petition as if there is a proposal to establish a market in that particular place and also obtained an order of interim injunction.

6.The learned Counsel further submits that now the government has decided to establish Tidel Park in survey No.TS.No.4/1 & 2 part 9/1, part Survey Ward XVI, Block No.65.



9/1, part Survey Ward XVI, Block No.65 and in view of the interim injunction granted by this Court, the proposal is kept pending.

7.The learned Counsel for the writ petitioner/ respondent by referring the government order in GO.Ms.No.182 Agriculture (AP1) Department, dated 26.08.2010, submits that the government has already proposed to establish a market at Mattuthavani and also sanctioned a sum of Rs.85 crores for the same, but the said market has not been established. Vide the impugned communication, it was replied as if the proposal made vide GO.Ms.No.182 Agriculture (AP1) Department, dated 26.08.2010, has been dropped. The livelihood of the traders, who are doing vegetable business in the central market is affected. Therefore, they have filed the writ petition.

8.By referring the communication obtained under the Right to Information Act, the petitioner has made out case for interim injunction in respect of survey No.TS.No.4/1 & 2 part 9/1, part Survey Ward XVI, Block No.65 and interim injunction was granted on 29.04.2019 since at the relevant point of time the respondents have not filed their counter. Now the respondent Corporation has filed the counter and there is a proposal for establishment of Tidel Park in that particular area.

9.In view of the above, the interim injunction granted by this Court on 29.04.2019 is hereby vacated. This miscellaneous petition is allowed.

10.List the main writ petition for final hearing on 13.06.2023.

11.The learned Government Advocate is hereby directed to get instructions from the Agriculture Department regarding their stand in respect of GO.Ms.No.182, dated 26.08.2010.

sd/-

07/06/2023

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09/06/2023

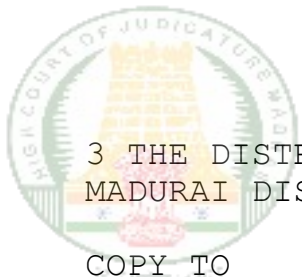
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK

TO

1 THE COMMISSIONER,
AGRICULTURE MARKETING AND AGRICULTURE BUSINESS,
CIPET ROAD, GUINDY,
CHENNAI 32.

2 THE ASSISTANT DIRECTOR
AGRICULTURE MARKETING AND AGRICULTURE BUSINESS,



WMP(MD)



23

3 THE DISTRICT COLLECTOR
MADURAI DISTRICT.

COPY TO

MR.P.T.THIRAVIYAM,
GOVERNMENT ADVOCATE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.MURALI, Advocate (SR-8280[I] dated 08/06/2023)

ORDER
IN
WMP(MD) No.4701 of 2023
IN
WP(MD) No.4869 of 2019
Date :07/06/2023

RS/VR/SAR-(09.06.2023) 4P 6C