



WEB COPY



W.P. Nos. 4862 and 5892 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. Nos. 4862 and 5892 of 2024

and

W.M.P. Nos. 5306, 6523 and 6524 of 2024

Salem City V.O.C. Flower Market Agents Development Association,
Represented by its R.M.Raju,
V.O.C. Market,
Salem – 636 001.

... Petitioner in both W.P.s

-VS-

1. The Commissioner,
Corporation of Salem,
Salem.

2. The Assistant Commissioner,
Ammapettai Ward Office,
Corporation of Salem,
Salem.

... First and Second Respondents in both W.P.s

3. Lokanathan @ Lokesh

... Third Respondent in W.P. No. 5892 of 2024

Prayer in W.P. No. 4862 of 2024:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents not to disturb the Petitioner Association members from running their business in the place in front of the Victoria Commercial Complex Building, Salem until the shops located in the four storied new building V.O.C. Daily Market, Salem are being allotted to the vendors as per the directions of this Court.



W.P. Nos. 4862 and 5892 of 2024

Prayer in W.P. No. 5892 of 2024:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to order passed by the First Respondent in Na. Ka. En. L8/1238/2023 dated 19.02.2024 giving lease right to the Third Respondent to collect the toll charges for one year period 2023-2024 from the shops located in the new building V.O.C. Daily Market, Salem and quash the same as illegal.

For Petitioner : Mr. E.Om Prakash,
Senior Counsel
for Mr. V.T.Balaji (in both W.P.s)

For Respondents : Mr. P.Muthukumar,
Additional Advocate General
assisted by Mrs. N.Devi,
Standing Counsel (for R1 & R2)
(in both W.P.s)

Mr. G.Sankaran,
Senior Counsel
for M/s. S.Nedunchezian (for R3)

C O M M O N O R D E R

Heard Mr. E.Om Prakash, Learned Senior Counsel appearing for the Petitioner, Mr. P.Muthukumar, Learned Additional Advocate General assisted by Mrs. N.Devi, Learned Standing Counsel appearing for the First and Second Respondents in both the Writ Petitions and Mr. G.Sankaran, Learned Senior Counsel appearing for the Third Respondent in W.P. No. 5892 of 2024 and perused the materials placed on record, apart from the pleadings of the parties.



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2. When it is pointed out that the Petitioner, which is an Association, cannot file a Writ Petition seeking relief espousing the cause of its individual members and does not affect any legal right of that Association as held by the Hon'ble Supreme Court of India in *Mahinder Kumar Gupta -vs- Union of India* [(1995) 1 SCC 85], Learned Senior Counsel appearing for the Petitioner seeks permission of the Court to withdraw these Writ Petitions reserving the rights of the concerned individual members of the Association of the Petitioner to work out their remedies before appropriate forum in the manner recognized by law, and Learned Counsel for the Petitioner has made an endorsement to that effect in the court record.

In the result, these Writ Petitions are dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petitions are closed. No costs.

11.03.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 12.03.2024.

vjt



W.P. Nos. 4862 and 5892 of 2024

To

1. The Commissioner,
Corporation of Salem,
Salem.
2. The Assistant Commissioner,
Ammapettai Ward Office,
Corporation of Salem,
Salem.



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P.D. AUDIKESAVALU, J.

vjt

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