



W.P.No.24843 of 2022

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 07.08.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.24843 of 2022

Punjai Puliampatti Daily Market
and Weekly Market Traders Association,
Rep. By its President K.Suresh
Punjaipuliampatti,
Erode District.

.. Petitioner

Vs

1.The District Collector,
Erode.

2.The Regional Director,
Municipal Administration,
Tiruppur.

3.The Commissioner,
Punjai Puliampatti Municipality,
Erode District.

(R3 was impleaded vide order dt.22.09.22
in WMP.No.24475/22)

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus forbearing the respondents from shifting the existing market situated at Punjai



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Puliyampatti, Erode District, to some other place until providing alternative shops for the traders of daily market and weekly market to carry their business in the market pursuant to the petitioner's representation dated 13.05.2022.

For Petitioner : Mr.N.Ponraj

For R1 & R2 : Dr.T.Seenivasan, Spl.GP

For R3 : Mr.A.S.Thambuswamy
for Mr.B.Anand

ORDER

The writ petition has been filed by the petitioner association seeking to forbear the respondents from shifting the existing market situated at Punjai Puliyampatti, Erode District, to some other place until providing alternative shops for the traders of daily market and weekly market to carry their business.

2. The petitioner is an association and its members are carrying vending business in Punjai Puliyampatti market, Erode District. The members of the petitioner association are permitted by the second respondent to carry their vending business in the daily market. While being so, since Sub-Registrar office is running in rental building, in order



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to allot the place where the traders are carrying on vending business, the respondents are intended to demolish the daily market.

3. The grievance of the petitioner association is that without any notice to its members and without allotting any alternative site for their daily vending business, the respondents intended to demolish the daily market. Therefore, it affects the daily livelihood of the members of the petitioner association.

4. The Commissioner, Punjai Puliampatti Municipality/third respondent has filed a counter affidavit. Mr.A.S.Thambuswamy, learned counsel for the third respondent, would submit that now, pucca shops for daily market have been constructed and ready for occupation. That apart, the President of the petitioner association was served with notice and attended the meeting held on 29.11.2021 and in the said meeting, he requested for construction of new building in the vacant land near weekly market as the old daily market is obstructing free flow of traffic. Therefore, after due notice, meeting was held on 29.11.2021, in which, the President of the petitioner association had also participated and after



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deliberation, he accepted the decision taken in the said meeting to construct a new building for the daily market. After completion of construction, a tender was floated for collection of toll from the traders and the offer of one Mr.Ashiq Ali to the tune of Rs.58 lakhs was the highest bid and the same was accepted. Therefore, from 01.04.2024 onwards, daily market has been functioning in the new building.

5. On perusal of the records, it is evident that the President of the petitioner association also participated in the meeting held on 29.11.2021 and on 30.11.2021, the third respondent passed a resolution, in which, the President of the petitioner association appended his signature as one of the parties to the proceedings. In the said meeting, it was unanimously decided to shift the daily market to the place where the weekly market has been in operation.

6. In view of the above, the members of the petitioner association are directed to approach the third respondent seeking allotment of shops to them to carry on their vending business and on receipt of such request, the third respondent is directed to allot shops for the traders of daily and



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weekly market to carry on their vending business forthwith, in accordance with law. With the above direction, the writ petition is disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

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Index: yes/no
Neutral citation: yes/no
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To

- 1.The District Collector,
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- 3.The Commissioner,
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G.K.ILANTHIRAIYAN, J.

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