



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

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CORAM:

THE HONOURABLE MRs. JUSTICE N.MALA

W.P.No.24924 of 2025
and WMP.No.28080 of 2025

Erode Onion and Fruit Wholesale Traders Association
Rep by its President K.Thangaraj
No.10, Kailash Gounder Complex,
VOC Park Road,
Erode – 638 003.

.. petitioner

vs

1. The District Collector
Erode District,
District Collectorate,
State Highways 96,
Opp to District Court,
Palayapalayam, Tamil Nadu – 638 011.

2.The Commissioner
Erode Municipal Corporation
Erode – 638 001.

3.Mr.D.Praveen

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,
praying to issue a Writ of Mandamus to direct the 1st and 2nd respondent to
consider the representations dated 20.05.2025, 23.05.2025 and 29.05.2025
and pass orders forbearing the 3rd respondent from interfering with the



business of the members of the petitioner association in conducting their occupation by levying, imposing, demanding or collecting any toll fee in terms of in A1/489/2024 dated 05.03.2025 and further direct the 2nd respondent to take necessary action against the 3rd respondent for violating the conditions of award of tender in A1/489/2024 dated 05.03.2025 and pass such other suitable orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.K.Gowtham Kumar
For Respondent : Mr.N.Shajakhan, SGP for R1
Mr.M.Rajamathivanan, Standing counsel for R2.

ORDER

This writ petition is filed for mandamus to the respondents to consider the petitioner Association representations relating to the illegal collection of toll fee by the 3rd respondent, who was the successful bidder in the tender dated 05.03.2025.

2. The members of the petitioner's association are wholesale traders engaged in the business of procurement and distribution of fruits and onions in and around Erode District. The members of the association have shops at various locations in and around VOC Park grounds and collectively trade in onions and fruits on whole sale basis. The members of the petitioner



association obtained all necessary permits and licenses to run their business and they had been paying around Rs.30,000/ to Rs.50,000/- every month towards rent, business licence, business tax, garbage tax, FSSAI license, electricity and other charges. Whielso, on 05.03.2025, the 2nd respondent based on a resolution dated 27.11.2024, issued tender notification A1/489/2024, for leasing out the right to collect toll fees from occupants of the shops in temporary markets located at VOC Park daily market, weekly markets in Manikampalayam, Hemmingway Street, and Niligirs Junction for pay and use toilets and for Auto and Taxi stands in specific locations.

3. The 3rd respondent was the successful bidder for toll collection in VOC Park daily market. According to the petitioner, the 3rd respondent was illegally collecting toll fee beyond the tender specifications. Hence, the petitioner association submitted multiple representations on 20.05.2025, 23.05.2025 and 29.05.2025, to the authorities, seeking action against the 3rd respondent. However, till date, no action was taken against the illegal collection of toll fees by the 3rd respondent and hence, the petitioner filed the present writ petition.



4. Heard the learned counsel for the petitioner and the learned Special Government Pleader for R1 and the learned standing counsel for the R2.

I perused the materials available on record. With consent of all counsels, the writ petition is taken up for final disposal.

5. Considering the facts and circumstances and the limited prayer sought for by the petitioner, a direction is issued to the 2nd respondent to consider the representation's of the petitioner association dated 20.05.2025, 23.05.2025 and 29.05.2025, by affording opportunity of hearing to the petitioner association, as well as the 3rd respondent, and pass orders on merits and in accordance with law, within a period of four weeks, from the date of receipt of the copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

10.07.2025

Speaking order / Non-speaking order

Index : Yes / No

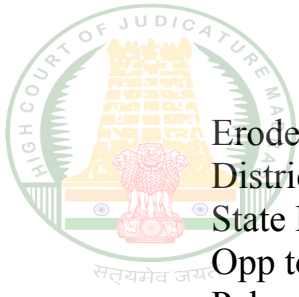
Neutral Citation : Yes / No

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To

1. The District Collector

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District Collectorate,
State Highways 96,
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2.The Commissioner
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Erode – 638 001.

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N. MALA, J.

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