



**W.P.No.17503 of 2021**  
**and W.M.P.Nos.18603 and 18604 of 2021**

**R.SURESH KUMAR, J.**

On 26.11.2021, after hearing the learned counsel for both parties and by taking into account the special circumstances under which the price index of the vegetables especially tomato has been in the higher side, this Court has passed the following order:

*“Heard Mr.K.Shivakumar, learned counsel appearing for the petitioner. He has pointed out that, due to the special circumstances, wherein since the tomato production due to heavy rain has considerably reduced in the State, the price of tomato has risen to manifold, with the result, people are struggling to make both ends meet, insofar as the price index of the vegetables, particularly tomato. Therefore, unless the vegetables like tomato is brought from various other States in bulk quantity for the domestic use at this State, especially in Chennai area being the largest metropolitan city in the State, the present crisis of soaring prices of tomato cannot be brought down amicably.*

*2. Therefore, the learned counsel for the petitioner seeks the indulgence of this Court to explore the possibility of giving any direction to the respondents to allot the vacant land to the extent of 84 cents, which was hitherto ie., prior to the year 2020, used by them ie., wholesale traders of tomato as "Tomato unloading ground", and to restore the same for the same purpose at least for the time being as a special arrangement.*

*3. In order to respond in writing, to the said plea raised by the learned counsel for the petitioner, Mrs.Veena Suresh, learned Standing Counsel*



appearing for C.M.D.A., and Mr.Velmurugan, learned Standing Counsel  
appearing for the Market Management Committee, Koyambedu Wholesale  
Market Complex ie., fourth respondent herein, want a shorter accommodation

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4. Post the matter on **29.11.2021**, immediately after admission cases.”

2. Pursuant to the said direction issued by this Court as stated supra, on behalf of the respondents 3 and 4 ie., Chief Administrative Officer, Chennai Metropolitan Development Authority Market Management Committee, Koyambedu Wholesale Market Complex and the District Revenue Officer, Market Management Committee, Koyambedu Wholesale Market Complex, a status report has been filed. In the said status report, certain details with regard to the truck loads of tomato brought in to the Koyambedu market for sale for the period from 19.11.2021 to 28.11.2021 has been provided, and also the wholesale rate for which Grade I, Grade II and Grade III tomato were sold in those days also was stated in the said report. After having stated that, the report further states the following:

“ 4. I further submit that in the normal days, the licensed traders in the Koyambedu Market Complex receive at least 75 truck loads and a maximum 105 truck loads of tomatoes from within the State of Tamil Nadu and the border States of Andhra Pradesh, Telangana and Karnataka. The arrival quantities have been reduced considerably in the last 10 days and touched a low of 42 truck loads on 23.11.2021. The reduced arrival quantity is purely due to the heavy rain in all the areas of procurement and not because of unavailability of space for loading and unloading in the market complex.



5. I further submit that, presently, the market complex has facilities to park at least 800 trucks in the Koyambedu Wholesale Market Complex for parking and unloading of perishables. The details of Truck Parking available is as furnished below.

- a) 280 (7 truck bays x 40 truck per day) trucks inside the truck bays between Gate-7 and Gate-14.
- b) 40 trucks in the truck bay in Gate-10
- c) 350 trucks inside the truck parking at the end of "A" road and abutting TANFED Cold Storage.
- d) 40 trucks in truck bay in Gate-5
- e) 45 trucks in the lorry parking adjacent to MMC office in an area of 0.88 acres.
- f) 60 trucks can be parked and unload the perishables in the big stretch of land available parallel to "A" Road and hardly 30 metres from Gate-14.
- g) 20 trucks can be parked and unload the vegetables in the stretch of land available between EB office and water tank.

Hence, I submit that the recent soaring of prices in vegetables is not due to unavailability of parking spaces and unloading facilities but only due to seasonal monsoon, reduced arrivals and the raise in procurement price.

6. I further submit that the demand for the open space in front of the Godown N-124 by the petitioner Association is only blocking the frontage of the Godown by exploiting the current situation."

3. Relying upon this status report, the learned counsel appearing for the third and fourth respondents would contend that, insofar as the purpose of stationing the vehicle / lorry / truck and for unloading the vegetables and perishables like tomato,

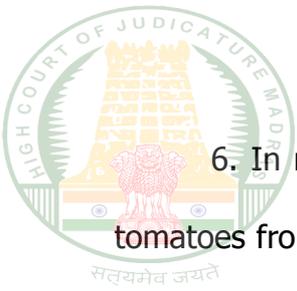


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there are number of vacant places available in the market complex, which have been earmarked for the said purpose. In this regard, in Para 5 of the status report, seven such places earmarked for the said purpose has been specified by the third and fourth respondents.

4. However, insofar as the vacant place which was specifically sought for by the petitioner in front of Godown No.124 is concerned, it is the stand of the third and fourth respondents that, after leaving set back place, it has become only 24 cents and not 84 cents as claimed by the petitioner and moreover if large number of vehicles are permitted to station there in the small vacant place of 20-30 cents, that will be a hindrance for the whole market in that particular blocks viz., Blocks L, M and N. Therefore, it is not feasible according to the third respondent, to allot the said space as sought for by the petitioner for the purpose of stationing the vehicle and to unload tomato.

5. But at the same time, when a question was posed by this Court to the learned counsel for the third and fourth respondents, who, on getting instructions from the officials concerned of the third and fourth respondents, who are present before this Court, has submitted that, if at all a specific place has to be earmarked for the time being as an interim measure to tide over the present situation for any licensed trader, who is involved in the trade of vegetables especially tomato, the very adjacent place ie., the big stretch of land available parallel to "A" Road which is hardly 30 metres from Gate-14 can be allotted, and this has been specifically made as Clause(f) of Para 5 of the Status Report, which has been quoted herein above.



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6. In respect of the allotment of the said land for the purpose of unloading the tomatoes from the trucks by any trader, who brings such truck load of tomatoes for the time being, the learned counsel for the petitioner association would submit that, already the said place has been allotted to the merchants who trade in coriander leaves and Pudina leaves and other perishable items, and they are already occupying the said place. If in the same place, the traders who involve in the trade of tomatoes also are allotted or driven to take their vehicles in that particular place, then there will be confusion and chaos among the traders. Therefore, unless and until a specific place is earmarked particularly or only for the traders of tomato for the purpose of unloading and also re-loading the empty boxes, the issue raised herein cannot be resolved amicably, at least for the time being.

7. I have considered the rival submissions made by the learned counsel on either side and have perused the materials placed on record.

8. Insofar as the issue raised in the main writ petition is concerned, this Court is not going to resolve the same now, as it requires further hearing in the main writ petition. However, for the purpose for which the present writ petition was taken up during the last hearing and today is only to explore the possibility of finding out a solution of course on a temporary basis, to tide over the present crisis under which the price of tomato has gone to the higher side, thereby large number of public are being affected.



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9. Though the main reason for such price rise is due to incessant rains that we have been experiencing for the past couple of weeks, if more loads of tomato are brought for sale to the Koyambedu Market Complex, it will be more beneficial to the general public in the Chennai City and its outskirts.

10. Therefore, only to resolve the present crisis, after having gone through the status report filed by the third and fourth respondents and after recording the submissions made by the learned counsel on both sides, this Court feels that, as a temporary measure at least, an earmarked place in the place mentioned by the third and fourth respondents in Para 5(f) can be specifically allotted to the tomato traders for the purpose of unloading the tomato brought from various parts of this country by truck loads.

11. In this context, though the total land mentioned in Clause 5(f) of the Status Report according to the third and fourth respondents is about 3(three) acres, this Court feels that, at least 1(one) acre out of the three acres can be specifically earmarked for the aforesaid purpose, wherein all the licensed traders of tomato in the market concerned can be permitted to bring their truck loads of tomato only for the purpose of parking and unloading and for re-loading the empty boxes. Accordingly, the following directions are issued as an interim measure.

- That the third and fourth respondents are hereby directed to earmark one acre of land at the vacant land that has been



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specifically mentioned at Para 5(f) of the Status Report filed by the third and fourth respondents for the purpose of parking the truck, unloading the tomato and reloading the empty boxes, only by the licensed traders of the Koyambedu Market Complex, who involve in the trade of tomato.

- The vehicles which enter into the earmarked place shall be monitored by the third and fourth respondent Committee by specifically posting some men to watch whether only unloading activities are taking place or any wholesale or retail trade is also undertaken by any trader by having the vegetable / tomato in the truck itself. In that case, the said trader can be denied permission to bring any vehicle thereafter in that place.
- Once the vehicle with tomato is permitted to enter the earmarked place, a reasonable time shall be fixed by the Committee for unloading tomato and reloading the empty boxes, and after the reasonable time is over ie., after unloading of the tomato and reloading the empty boxes, the vehicle shall be immediately vacated from the place.
- It is further made clear that, this specific area as indicated above, is going to be allotted by earmarking the same as indicated not only for the members of the association, but for all the licensed traders, who involve in the trade of tomato.
- Moreover, this arrangement is made purely on a temporary basis only to tide over the special circumstances referred to



above and therefore, by virtue of this arrangement, no-one including the petitioner can claim any right or equity at the time of final disposal of this writ petition.

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- The present arrangement shall continue for a period of four weeks from tomorrow (30.11.2021). Depending upon the working out of the above arrangement, further action can be taken. Enabling the Court to verify the working out of the present arrangement, a status report after two weeks shall be filed both by the third and fourth respondents as well as the petitioner association.

12. For the said purpose, post the matter on **15.12.2021**. It is made clear that, in view of the above directions, the third and fourth respondent shall forthwith earmark the place as indicated above, enabling the traders to park their vehicle from **04.00 a.m. tomorrow ie., 30.11.2021**.

**29.11.2021**

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**Note : Issue order copy today (29.11.2021)**



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**(Next date of hearing : 15.12.2021)**

**29.11.2021**