

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.2878 of 2015

S.Senthil Kumar

... Petitioner

Vs.

1. The Chief Administrative Officer,
Market, Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai - 92.

2. R.Umamaheshwari

3. K.Damodaran

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the first respondent to remove the seal put up by the first respondent in Shop No.T/F-119, S.K.International Traders Anna Wholesale Fruit Market Complex, Koyambedu, Chennai - 92, and issued on fresh license to the petitioner on collection of charges and grant such other relief.

For Petitioner : Mr.R.Margabandhu

For Respondents : Mr.S.Thankasivan for RR2&3

O R D E R

By consent of the learned counsels on either side, the writ petition is taken up for final disposal.

2.Heard Mr.R.Margabandhu, learned Counsel appearing for the petitioner and Mr.S.Thankasivan, learned counsel appearing for the respondents 2 and 3.

3. The petitioner seeks for issuance of a Writ of Mandamus to direct the first respondent to remove the seal put up by the first respondent in Shop No.T/F-119, S.K.International Traders Anna

Wholesale Fruit Market Complex, Koyambedu, Chennai - 92, and issued a fresh license to the petitioner on collection of charges and grant such other relief.

4. The petitioner is running a fruit business in Shop No.T/F-119, under the name and style of S.K.International Traders at Anna Wholesale Fruit Market Complex at Koyambedu, Chennai and he had been paying a rent of Rs.20,000/- for the said shop to the second respondent. On 29.01.2004, the first respondent sealed the said shop along with fruits and other business materials inside. Aggrieved by the same, the petitioner has preferred this Writ Petition.

5. Admittedly, the petitioner has filed a Suit for somewhat identical relief and the same is pending in O.S.No.5598 of 2014. Therefore, first the petitioner has to establish his right vis-a-vis the respondents 2 and 3, more so, when the second respondent has alleged that the petitioner has committed a forgery.

6. Hence, no Writ of Mandamus as sought for by the petitioner can be granted and the Writ Petition is dismissed. However, it is open to the petitioner to pursue his remedies before the Civil Court. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

PBN

To

The Chief Administrative Officer,
Market, Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai - 92.

+1cc to Mr.R.Margabandhu, Advocate, S.R.No.10131
+1cc to Mr.S.Thankasivan, Advocate, S.R.No.9904

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BKY (CO)
CA(04/03/2015)