

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 09-03-2015

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No.6463 of 2015
and
M.P.Nos.1 and 2 of 2015

1 M.Chinnadurai
F/A/70 in Koyambedu Flower Market Complex
as Manikandan Tea Shop Chennai - 600 092 ... Petitioner

Vs

1 The Chief Administrative Officer
Market Management Committee
Koyambedu Whole Sale market Complex
Chennai - 600 009 ... Respondent

Petitions filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent remove the seal and put the possession of the Tea Shop at No. F/A/70 in Koyambedu Flower Market Complex as Manikandan Tea Shop Chennai 92 pending disposal of the original suit in O.S. No.752 of 2013 on the file of 1st Assistant City Civil Court at Chennai.

For petitioner :: Mr. K. Chandru

ORDER

Heard the learned counsel appearing for the petitioner.

2. The petitioner seeks a direction to the respondent to remove the seal and put the possession of the Tea Shop at No.F/A/70 in Koyambedu Flower Market. The petitioner has admitted that he is a tenant under One Suryakanth and he was doing a hotel business in the name of Sree Vishnu Bhavan in the said shop. Therefore, the petitioner is not a tenant under the respondent nor a lessee or allottee. Therefore, there is absolutely no loco standi for the petitioner to seek a direction to the CMDA to remove the seal.

3. One Suryakanth has filed a suit in O.S.No.1793 of 2010 stating that the CMDA has been refusing to lease the land periodically and demanded exorbitant amount and also obtained an order restraining the CMDA from interfering with the possession. In this regard, the petitioner would state that there is a dispute between the said Suryakanth and himself and a suit is pending before the I Assistant City Civil Court, Chennai and pending suit, the petitioner filed R.C.O.P.No.584 of 2014 on the file of XII Small Causes Court.

4. In the light of the above, the prayer as sought for in the writ petition itself is misconceived and no relief can be granted to the petitioner and it is open to the petitioner to work out his remedy in the pending R.C.O.P.

5.The writ petition therefore, stands dismissed. No costs.

Glp

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

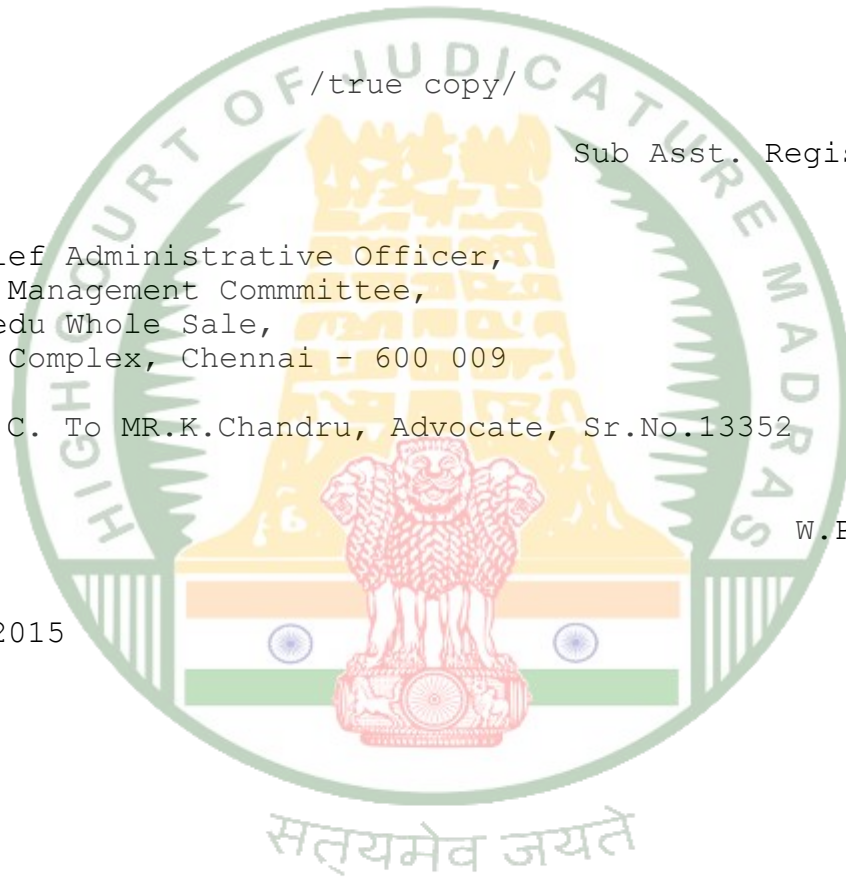
To

- 1 The Chief Administrative Officer,
Market Management Committee,
Koyambedu Whole Sale,
Market Complex, Chennai - 600 009

+1 C.C. To MR.K.Chandru, Advocate, Sr.No.13352

W.P.No.6463 of 2015

SAI (CO)
sd 23/03/2015



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