

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 13.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.13854 to 13858 of 2016 &
WMP Nos.12148 to 12152 of 2016

Mathew Sebastian .. Petitioner in W.P.No.13854 of 2016
Selma Binoy .. Petitioner in W.P.No.13855 of 2016
Celine Sebastian .. Petitioner in W.P.No.13856 of 2016
Smruthy Sebastian .. Petitioner in W.P.No.13857 of 2016
Kochurani Sebastian .. Petitioner in W.P.No.13858 of 2016

Vs

- 1.The Market Management Committee of
Koyambedu Market
rep. by its Chief Administrative Officer
Koyambedu Market Complex
Chennai 600 092.
 - 2.The Chennai Metropolitan Development Authority
rep. by its Member Secretary
NO.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
- .. Respondents in all W.Ps.

Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the first respondent to consider the petitioner Application Nos.0622, 0623, 0624, 0625 & 0626, all dated 25.02.2016 and grant licence for Shop Nos.H/88-A, H/88-B, H/88-C, H/88-D & H/88-E, respectively, in the Koyambedu wholesale Market Complex.

For Petitioners : Mr.Richardson Wilson

For Respondents : Mr.M.Velmurugan - R1
(In all WPs.)
Mr.M.Karthikeyan - R2

C O M M O N O R D E R

Heard Mr.Richardson Wilson, learned counsel appearing for the petitioners, Mr.M.Velmurugan, learned counsel accepting notice for the first respondent in all Writ Petitions and Mr.M.Karthikeyan, learned counsel accepting notice the second

respondent in all the Writ Petitions and with the consent of the learned counsel on either side, the Writ Petitions are taken up for final disposal.

2. There are five Writ Petitions filed by the children of Mr. Sebastin, who was the allottee/purchaser of a Godown bearing No.H/88 in Koyambedu Market Complex. The petitioners' father became the owner of the said Godown pursuant to the Sale Deed executed by the second respondent dated 31.08.2009, registered as Document No.2896/2009, on the file of the Sub-Registrar, Anna Nagar, Chennai. Pursuant to which the petitioners' father was granted a licence by the first respondent, which was periodically renewed and the last of such renewal has been granted for the period from 01.04.2015 to 31.03.2018. Thereafter, the original allottee/ purchaser Mr.P.M.Sebastin, has settled the property in favour of the petitioners herein by separate Deeds of Settlement dated 06.11.2015. Pursuant to which the property tax has been assessed in the name of the petitioners and they have remitted the tax amount since October, 2015 and the electricity service connection has also been transferred in the name of the petitioners/settlees. The petitioners' father has now approached the first respondent and submitted individual application on 25.02.2016, for grant of licence to enable them to commence trading activities.

3. It is to be noted that though the initial allotment/sale in favour of the petitioners father was in respect of a godown, subsequently by proceedings of the second respondent dated 07.05.2013, the second respondent has accepted the request of the petitioners father for conversion of the Go-down H-88, into regular Shops for carrying on wholesale trade of vegetables goods. The said order dated 07.05.2013, also contains other conditions. Since the Applications given by the petitioners were not considered by the first respondent, the petitioners father also submitted a representation on 25.2.2016, requesting the first respondent to consider and grant licence in favour of the petitioners as well as himself as he has retained an extent of about 1626.11 sq.ft. of shop area and platform area of 578.28 sq.ft., in all 2204.39 sq.ft., since those Applications are pending, the petitioners are before this Court.

4. Considering the fact that the Applications are pending, there will be a direction to the first respondent to consider the same and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petitions are disposed of accordingly. No costs.
Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Chief Administrative Officer
The Market Management Committee of
Koyambedu Market
Koyambedu Market Complex
Chennai 600 092.
- 2.The Member Secretary
The Chennai Metropolitan Development Authority
NO.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

+1cc to Mr.Richardson Wilson, Advocate Sr.23316

W.P.Nos.13854 to
13858 of 2016

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srg 27/04/2016

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