

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.25832 to 25836 of 2016
and W.M.P.Nos.22125 to 22134 of 2016

Mathew Sebastian ...Petitioner in WP.No.25832/2016
Tmt.Selma Binoy ...Petitioner in WP.No.25833/2016
Tmt.Celine Sebastian ...Petitioner in WP.No.25834/2016
Tmt.Smruthy Sebastian ...Petitioner in WP.No.25835/2016
Tmt.Kochurani Sebastian ...Petitioner in WP.No.25836/2016
Vs.

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

Common Prayer:Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 1st respondent pertaining to Proc.No.MMC/A2/326/2016 order dated 08.06.2016 (in WP.No.25832/16), MMC/A2/322/322/2016(in WP.No.25833/16, 25634/16 and 25836/16) and MMC/A2/323/2016 (in WP.No.25835/16) and quash the same and consequently direct the 1st respondent to grant the petitioners licence to carry on business in Shop No.H/88-A, H/88-B, H/88C, H/88D and H/88E respectively, Koyambedu Market Complex within a time frame.

For Petitioners : Mr.P.Wilson
Senior Counsel
for Mr.Richardson Wilson

For Respondents : Mr.M.Velmurugan (for R1)
Mr.P.Tamilmani (for R2)

COMMON ORDER

These writ petitions have been filed to call for the records of the 1st respondent pertaining to Proc.No.MMC/A2/326/2016 order dated 08.06.2016 and quash the same and consequently direct the 1st respondent to grant the petitioners licence to carry on business in Shop No.H/88-A, H/88-B, H/88C, H/88D and H/88E respectively, Koyambedu Market Complex within a time frame.

2. Learned counsel for the petitioners submitted that a statutory appeal under Sections 20 and 21 of the Tamil Nadu Specified Commodities (Regulation of Location) Market Act 1996, is pending before the appellate authority, against the order of the first respondent.

3. Since an appeal is pending before the appellate authority, this Court is not inclined to render any findings on the merits of the case. However, the Appellate Authority is directed to decide the appeal within a period of two months from the date of receipt of copy of this order, after giving due opportunity of hearing to the petitioners and others who are likely to be affected, in person.

4. If the petitioners fail to appear before the appellate authority on the date to be specified by the appellate authority, the appellate authority shall pass orders on merits and in any event, the petitioner cannot take a stand with regard to the opportunity of being heard.

5. With the above observations, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Chief Administrative Officer
The Market Management Committee of
Koyambedu Market,
Koyambedu Market Complex,
Chennai 600 092.

2. The Member Secretaary
The Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

+1 cc to Mr.P.Tamil Mani Advocaste sr 80181
+1 cc to M/s.Richadson Wilson Advocate sr 79793

W.P.Nos.25832 to 25836 of 2016
and W.M.P.Nos.22125 to 22134 of 2016

rsy(co)
aa21/12/2017



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