

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 20439 of 2018
and
W.M.P. 24010 of 2018

M.Vilasini

... Petitioner

Vs

1. The Member Secretary,
Chennai Metropolitan Development
Authority,
Egmore, Chennai-600 008.
2. The Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Market
Complex, Koyambedu,
Chennai-600 092.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records from the file of the 2nd respondent made in proceedings No.Se.Mu.Order No.ANIKU/A1/1689/2015, dated 27.07.2018 and quash the same and further direct the 2nd respondent giving one week time for removing partition wall raised by the petitioner in shop No.T/B-1 (Restaurant) located in Fruit Market, Koyambedu Wholesale Market Complex, Chennai-600 092.

For Petitioner : Mr.Su.Srinivasan

For Respondent : Mr.P.Tamilmani,

Standing Counsel for CMDA/R-1

: Mr.M.Velmurugan,

Government Pleader for R-2

O R D E R

1. The present Writ Petition has been filed challenging the notice issued by the 2nd respondent locking and sealing the petitioner shop. The above order has been passed on the ground that the petitioner was allotted a shop in the Koyambedu Wholesale market for running a restaurant, but without obtaining any permission from the 2nd respondent, he has put up some

unauthorised construction. Apart from that, the petitioner has also purchased another shop adjacent to the existing shop and without permission, he has converted the same as hotel.

2. Earlier, the Writ Petition came up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner is willing to remove all those unauthorised construction and also file necessary application seeking permission for running the restaurant in the adjacent shop also.

3. In those circumstances, this Court by an order dated 14.08.2018 directed the 2nd respondent to remove the lock and seal enabling the petitioner to remove the additional construction put up by him, and the matter was posted for further orders today.

4. Today, when the matter taken up for hearing, the learned counsel appearing for the petitioner as well as the respondent submitted that the petitioner has already removed the unauthorised construction put up by him and the petitioner also filed the affidavit to that effect. However, the learned counsel appearing for the 2nd respondent submitted that against the impugned order passed by the 2nd respondent, there is an appeal remedy is already available under Sec.21(5) of the Tamil Nadu Specified Commodities Markets (Regulation of Location) Act 24 of 1996 and the petitioner without invoking the alternative remedy cannot maintain this Writ Petition.

5. Considering the fact that already, the petitioner removed all the unauthorised construction, no further adjudication is required in the present Writ Petition. Further, in respect of another allegation that the petitioner had purchased another shop adjacent to the existing shop and he is also running the restaurant without permission of the 2nd respondent.

6. Now, the learned counsel appearing for the petitioner submitted that the petitioner had already made the application before the 2nd respondent seeking a permission to run the restaurant and the application is still pending for consideration.

7. In the above circumstances, the 2nd respondent is hereby directed to consider and pass suitable orders on the application submitted by the petitioner within a period of six weeks from the date of receipt of the copy of this order.

8. With the above direction, the present writ petition stands closed. Consequently, the connected Miscellaneous Petition is also closed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Member Secretary,
Chennai Metropolitan Development
Authority,
Egmore, Chennai-600 008.
2. The Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Market
Complex, Koyambedu,
Chennai-600 092.

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GSP (11/09/2018)

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