

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2018

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP.NO.20490 OF 2018

AND

W.M.P.NOS.24074 TO 24076 OF 2018

S. Raja Mohamed

... Petitioner

Vs

1. Chief Executive Officer,
Chennai Metropolitan Development Authority,
rep. by its Chairman,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2. Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Market Complex,
Chennai.

3. R.Ramiah

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for a issuance of Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in his proceedings no.SE/Mu/Proceedings NO/A.N1.KU/A2/2139/2012 dated 03.08.2018 and further direct the 2nd respondent to consider the application of the petitioner in Application No.2457 in respect of shop No.AU-19 for renewal of licence for the period from 01.04.2018 to 31.03.2021 as per Section 21(1)(i) of the Tamilnadu Specified Commodities Markets Act, 1996 and in accordance with the Civil Court decision dated 16.04.2010 in A.S.No.282 of 2008 on the file of the learned III Additional City Civil Court, Chennai.

For Petitioner : Mr. M.Rajasekhar

For Respondents : Mr. P.Tamilmani,
for R1

: Mr. Velmurugan,
for R2

ORDER

This writ petition has been filed challenging the order passed by the second respondent in the application filed by the petitioner in respect of renewal of licence.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. Admittedly, the order has been passed by the second respondent under Section 21(5) of the Tamil Nadu Specified Commodities Markets (Regulation of Location) Act, 1996 and against the order, an appeal remedy is provided in the Act. Without availing the alternative remedy, the petitioner cannot maintain the writ petition before this Court.

4. Hence, this Writ Petition is dismissed. However, it is always open to the petitioner to challenge the order 03.08.2018, passed by the second respondent in the manner known to law.

5. Now, it is submitted by the learned counsel for the petitioner that on the very same date of passing the order, the shop has been sealed by the authorities. The petitioner was running the business for the past 8 years, and all of a sudden, the shop has been sealed by the authorities, and he was not in a position even to remove the perishable goods and submitted that seal may be removed enabling to run the business till the time for filing the appeal is over.

6. Considering the fact that the petitioner is running a business for more than * 18 years and perishable goods are kept inside the shop, there shall be a direction to the second respondent to remove the seal till the time provided for filing the appeal is over.

सत्यमेव जयते
Sd/-

Assistant Registrar (CS-IX)
11.08.2018

***Amended as per order of
this Court dated 14.08.2018
made in W.P.No.20490 of 2018
-s/d-
Assistant Registrar (Cs IX)
dated 14.08.2018**

//True Copy//

Sub Assistant Registrar

mrp

To

1. Chief Executive Officer,
Chennai Metropolitan
Development Authority,
rep. by its Chairman,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

**To be Substituted as per
Order already Despatched
on 12.08.2018**

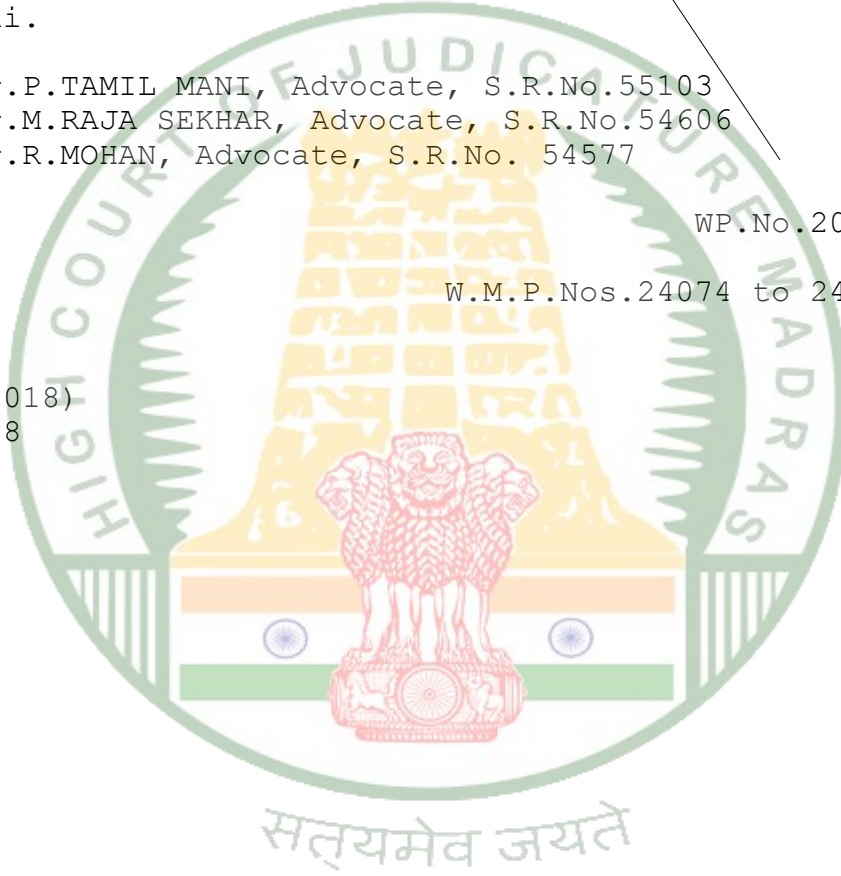
2. Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Market Complex,
Chennai.

+1cc to Mr.P.TAMIL MANI, Advocate, S.R.No.55103
+1cc to Mr.M.RAJA SEKHAR, Advocate, S.R.No.54606
+1cc to Mr.R.MOHAN, Advocate, S.R.No. 54577

WP.No.20490 of 2018
and

W.M.P.Nos.24074 to 24076 of 2018

RSY(CO)
TR(11/08/2018)
CS/21/08/18



WEB COPY