

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P No.6481 of 2018

J.Vijayalakshmi

..Petitioner

Vs

1.Market Management Committee,
Represented by its Chief Administrative Officer,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai - 600 092.

2.N.Indira .. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 1st respondent to consider the petitioner's application dated 01.03.2018 for issuance of Licence and Registration Certificate in respect of Shop No.J-112/B, Vegetable Market, Koyambedu, Chennai - 600 092.

For Petitioner : Mr.M.Raja Sekhar

For Respondents : Mr.M.Velmurugan
Standing Counsel for R1
Mr.Dakshayani Reddy, for R2

O R D E R

Heard Mr.M.Raja Sekhar, learned counsel for the petitioner, Mr.M.Velmurugan, learned Standing counsel appearing for the first respondent and Ms.Dakshayani Reddy, learned counsel for the second respondent and perused the materials available on record.

2. The petitioner has come forward with the present writ petition seeking for issuance of writ of mandamus, directing the first respondent to consider the application dated 01.03.2018, for issuance of Licence and Registration Certificate in respect of Shop No.J-112/B, Vegetable Market, Koyambedu, Chennai - 600 092.

3.The case of the petitioner is that the second respondent was allotted a shop No.J-112/B, Vegetable Market, Koyambedu, Chennai - 600 092, by the first respondent for a sale consideration of Rs.1,66,00,000/-. Subsequently, there was an agreement of sale between the petitioner and the second respondent to purchase a portion of the property measuring to an extent of 1200 sq.ft., for a sum of Rs.87,00,000/-. Due to dispute, a suit in C.S.No.521 of 2016 was filed, in which a compromise decree was passed on 28.4.2017. It is further stated that as per the compromise decree dated 28.4.2017, she is in possession and enjoyment of the property to an extent of 542 sq.ft and she has been running a business.

4. The learned counsel for the petitioner would submit that as per the Section 21 of the Tamil Nadu Specified Commodities Market Act, 1996, the petitioner is entitled to get licence from the first respondent.

5. The learned Standing counsel appearing for the first respondent would submit that the first respondent is ready to pass appropriate orders on the application of the petitioner, on merits and in accordance with law.

6. The learned counsel appearing for the second respondent opposed the prayer of the petitioner, by contending that the allotment made in favour of the second respondent is under challenge in batch of writ petitions in W.P.Nos.31752 of 2015, 3702 of 2016 and 37950 of 2016 and this Court passed an interim order in W.P.No.37950 of 2016 against the second respondent. The learned counsel by referring the counter filed by the second respondent submitted that based on the compromise decree passed in C.S.No.521 of 2016, the petitioner has been put into possession of the property. So, the 2nd respondent cannot give consent for redressal of the grievance of the petitioner

7. In light of the above submissions made by the learned counsels on either side, this Court, without going into the merits of the case, directs the first respondent to pass appropriate orders on the application of the petitioner dated 01.3.2018, on merits and in accordance with law, after providing an opportunity of personal hearing to all the necessary parties, within a period of eight weeks, from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

ms

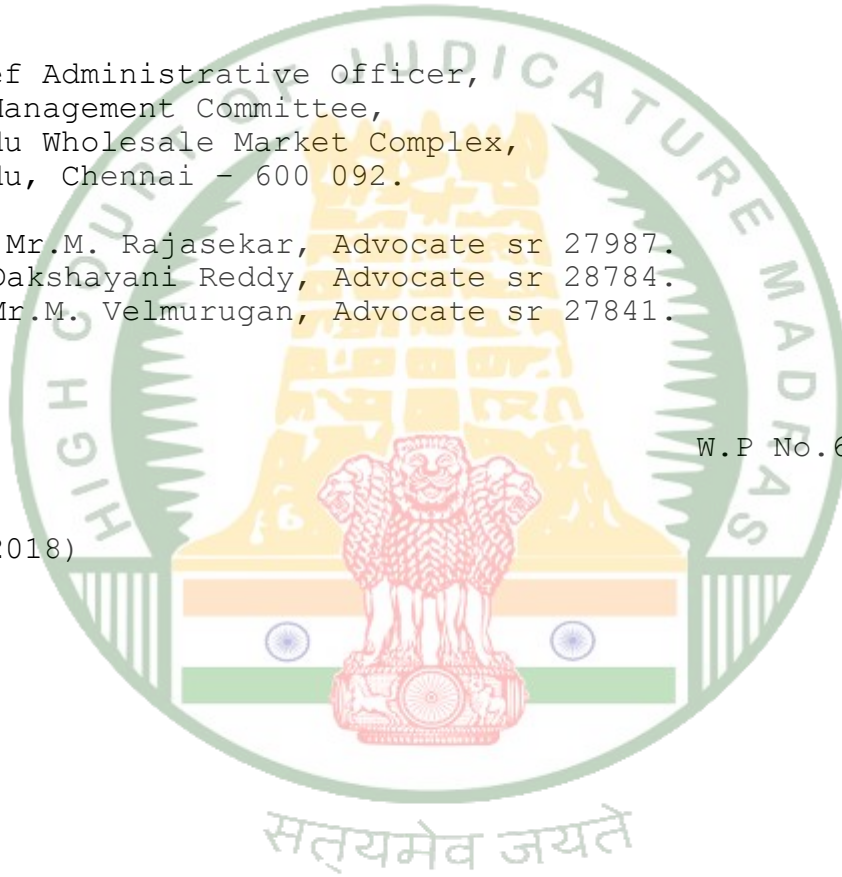
To

The Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai - 600 092.

+1 CC to Mr.M. Rajasekar, Advocate sr 27987.
+1 CC to Dakshayani Reddy, Advocate sr 28784.
+1 CC to Mr.M. Velmurugan, Advocate sr 27841.

W.P No.6481 of 2018

SP(08/05/2018)



WEB COPY