

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.22344 of 2018
and
W.M.P.No.26191 of 2018

S.Raja Mohamed

... Petitioner

Vs

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

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

3. The Chief Administrative Officer,
Market Managemet Committee,
Koyambedu Wholesale Market Complex,
Chennai.

4. R.Ramiah

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents from interfering with the peaceful possession and enjoyment of the petitioner in respect of shop No.AU-19, Vegetable Market, KWMC, Koyambedu, Chennai, pending disposal of the appeal filed under Section 21(5) of the Tamilnadu Specified Commodities Markets (Regulation of location) Act, 1996.

For Petitioner
For Respondents

:Mr.M.Raja Sekhar
:Mr. P.Velmurugan,
for R3

: Mr. P.Tamilmani,
for R1 and R2

ORDER

This Writ Petition has been filed restraining the respondents 2 and 3 from interfering with the peaceful possession and enjoyment of the petitioner's shop.

2. According to the petitioner, earlier, the third respondent herein passed an order rejecting the petitioner's application for grant of licence and sealed the premises. Challenging the said order, the petitioner filed an appeal before the first respondent under Section 21(5) of the Tamilnadu Specified Commodities markets (Regulation of location) Act 1996 on 20.08.2018 and along with the appeal, he has also filed a petition to stay the operation of the order passed by the second respondent. But, so far, no order has been passed in the said appeal. Now, pending appeal, the respondents 2 and 3 are taking steps to seal the premises. Hence, the present Writ Petition has been filed.

3. I have heard the learned counsel appearing for the petitioner and the learned counsels appearing for the respondents.

4. Earlier, the petitioner filed a Writ Petition before this Court challenging the order passed by the second respondent in W.P.No.20490 of 2018 and this Court by an order dated 09.08.2018 disposed the writ petition directing the petitioner to file an appeal and also further directed the respondents not to seal the premises till the time provided for filing the appeal is over. Now, the petitioner has filed an appeal along with the said petition, and pending appeal, since the respondents 2 and 3 are taking steps to seal the shop, the petitioner has come up with this writ petition.

5. This Court in the earlier order permitted the petitioner to file an appeal and also directed the respondents not to seal the premises till the time granted for filing the appeal is over. Now the petitioner has also filed an appeal and it is for the appellate authority to consider the petitioner's appeal and also the stay petition and pass suitable orders. Now, the petitioner cannot once again approach this Court seeking such relief.

6. In the said circumstances, the prayer sought for in the writ petition cannot be granted. Hence, this petition is dismissed. However, since the stay petition filed by the petitioner is pending with the first respondent, the first respondent is directed to consider the petitioner's stay

petition and pass suitable orders within a period of one week from today(i.e.30.08.2018) after giving opportunity to the petitioner. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

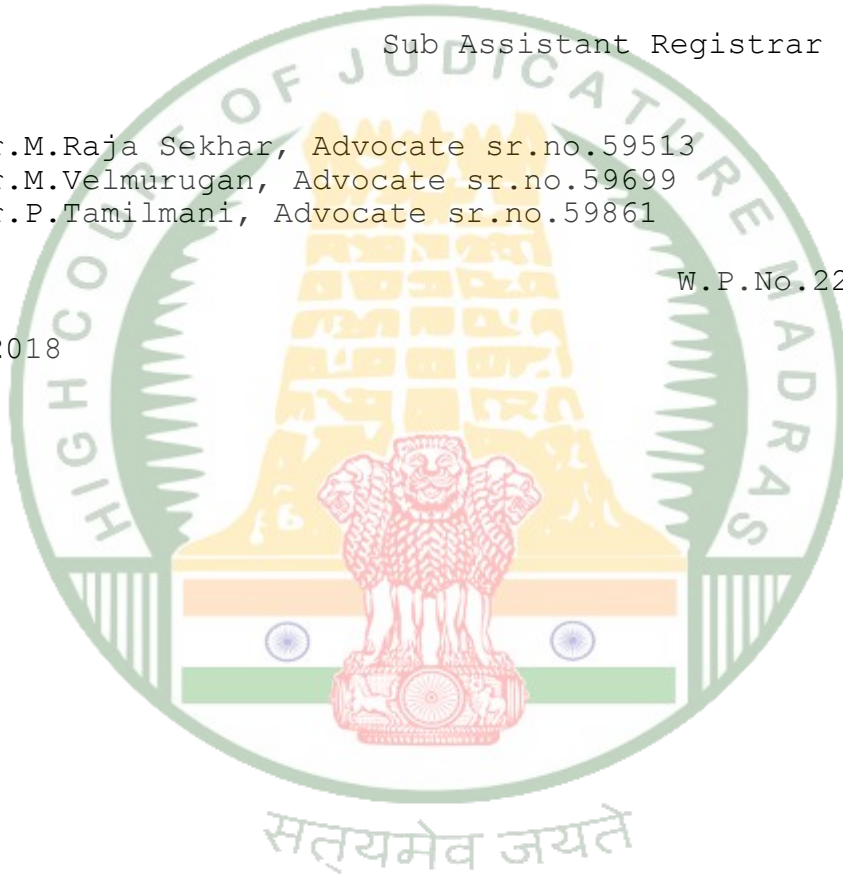
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Sub Assistant Registrar

+1cc to Mr.M.Raja Sekhar, Advocate sr.no.59513
+1cc to Mr.M.Velmurugan, Advocate sr.no.59699
+1cc to Mr.P.Tamilmani, Advocate sr.no.59861

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