

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.13960 of 2018  
and WMP.No.16489 of 2018

S.Govindaraj

..Petitioner

Vs

Chennai Metropolitan Development Authority,  
Rep by the Chief Executive Officer,  
No.1, Gandhi - Irwin Salai,  
Chennai - 600 008.

..Respondent

Prayer:-

The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to forbear the respondent from any way interfering with the petitioner's doing the trade of retail trade of business of selling flower garlands on retail basis (by making or producing garlands using the flowers produced by the petitioner's in the land in his possession).

For Petitioner : Mr.K.V.Subramanian, Senior Counsel  
for M/s.K.V.Subramanian Asso.

For Respondent : Mr.P.S.Ganesh  
Standing Counsel

ORDER

Heard Mr.K.V.Subramanian, learned Senior Counsel appearing for M/s.K.V.Subramanian Associates, the learned counsel for the petitioner and Mr.P.S.Ganesh, learned Standing Counsel appearing for the respondent and perused the materials available on record. By consent the writ petition is taken up for final hearing.

2. The petitioner has come forward with this writ petition for issuance of a writ of Mandamus to forbear the respondent from in any way interfering with the petitioner doing the trade of retail trade of business of selling flower garlands on retail basis.

3. The learned Senior Counsel for the petitioner would submit that in similar circumstances, in the writ petition filed by one Mr.E.Durai in W.P.No.2259 of 2016, this Court while dismissing the writ petition gave liberty to the petitioner to make a representation to the respondent therein. The petitioner is prepared to give a representation and he would be satisfied, if a direction is issued to consider the same.

4. The learned Standing Counsel for the respondent submitted that the petitioner is not entitled for the relief sought for in this writ petition and if a representation is given as in the earlier writ petition, they are ready to consider the the same in accordance with law.

5. In the light of the above submissions, this Court, without going into the merits of the case, directs the petitioner to give a representation to the respondent to the effect that he would carry on only retail business and not wholesale business in the said place along with an affidavit of undertaking and in the event of the petitioner giving the representation along with undertaking, the respondent shall consider the same and pass appropriate orders, after conducting enquiry, within a period of three weeks from the date of submission of the representation, after providing an opportunity of hearing to the necessary parties.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

msrm

To

The Chief Executive Officer,  
Chennai Metropolitan Development Authority,  
No.1, Gandhi - Irwin Salai,  
Chennai - 600 008.

+1cc to Mr.P.S.Ganesh, Advocate, S.R.No.36174  
+1cc to M/s.K.V.Subramanian, Advocate, S.R.No.13960

W.P.No.13960 of 2018

CS/13/06/18