

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.13304 of 2019  
and  
W.M.P.No.13411 of 2019

E.Soundarrajan

... Petitioner

Vs.

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

2.The Chief Executive Officer,  
Chennai Metropolitan Development Authority,  
No.1, Gandhi Irvin Road,  
Egmore,  
Chennai - 600 008.

3.The Chief Administrative Officer,  
Market Management Committee,  
Koyambedu Wholesale Market Complex,  
Koyambedu,  
Chennai - 600 107.

4.A.N.Parthasarathy

सत्यमेव जयते

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent made under his proceedings No.K2/15375/2000 dated 12.03.2019 and quash the same and direct the respondents herein to execute the sale deed in favour of the petitioner by cancelling the license granted in favour of the fourth respondent in respect of the shop in Vegetable market in Block C Shop No.37 at Koyambedu Wholesale Vegetable Market.

For Petitioner : Mr.L.Chandrakumar for  
Mr.Sethupathi E.D.

For R1 & R2 : Mr.Karthik Rajan for  
CMDA

O R D E R

The petitioner has filed the Writ Petition praying to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent made under his proceedings No.K2/15375/2000 dated 12.03.2019 and quash the same and direct the respondents herein to execute the sale deed in favour of the petitioner by cancelling the license granted in favour of the fourth respondent in respect of the shop in Vegetable market in Block C Shop No.37 at Koyambedu Wholesale Vegetable Market.

2.The learned counsel appearing for the petitioner submitted that the second respondent passed the impugned order dated 12.03.2019, without considering the petitioner's objection that he has been in continuous possession of the property under the fourth respondent. He further admits that there is a violation of condition.

3.The learned counsel appearing for the Chennai Metropolitan Development Authority has submitted that there is a dispute between the petitioner and the fourth respondent. If the petitioner is aggrieved by the present order, the petitioner has to approach the authority concerned.

4.In view of the above said facts and circumstances, this Writ Petition stands disposed of. It is left open to the petitioner to approach the appellate authority concerned for his grievances, as per the Rules of CMDA as well as Section 45(2) of the Tamil Nadu Specified Commodities Market (Regulation of Location) Act, within a period of one week from the date of receipt of a copy of this order. If any application is received, the appellate authority concerned shall consider such application and pass orders in accordance with law after providing opportunity to the parties concerned. There shall be an order of Status Quo, till the time of filing of an appeal.

5.With the above observation, this Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Member Secretary,  
Chennai Metropolitan Development Authority,  
No.1, Gandhi Irvin Road,  
Egmore,  
Chennai - 600 008.
- 2.The Chief Executive Officer,  
Chennai Metropolitan Development Authority,  
No.1, Gandhi Irvin Road,  
Egmore,  
Chennai - 600 008.
- 3.The Chief Administrative Officer,  
Market Management Committee,  
Koyambedu Wholesale Market Complex,  
Koyambedu,  
Chennai - 600 107.

+1cc to Mr.E.D.Sethupathi, Advocate, S.R.No.41707  
+1cc to Mr.Karthik Rajan, Advocate, S.R.No.41717  
+1cc to the Government Pleader, S.R.No.42499

W.P.No.13304 of 2019

KS (CO)  
SSM(10/06/2019)

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