

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

Date : 24.08.2020

THE HONURABLE MR.JUSTICE N.Anand Venkatesh

W.P.No.10598 of 2020

Mr.Bakkir Mydeen,
S/o.Mohammed Sheriffudin

...Petitioner

vs.

1. The Commissioner,
Greater Chennai Corporation,
Chennai.
2. The Zonal Officer,
Zone-III (Madhavaram)
No.1, Thattankulam Street & Bazaar Road,
Madhavaram, Chennai - 600 063.
3. The Assistant Revenue Officer,
Zone III, Madhavaram,
Chennai.
4. The Licensing Inspector,
Zone - III, Madhavaram, Pernambet,
Chennai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue Writ of Mandamus directing the respondents to grant permission to store the fruits at S.No.797/3, 1A & 1B, Madhavaram Inner Ring Road, Madhavaram, Chennai by considering the petitioner representation dated 12.06.2020.

For Petitioner : Mr.T.Dharani

For Respondents: Mrs.Karthiga Ashok,
Standing Counsel for the respondents

ORDER

This writ petition is filed for issue of Writ of Mandamus directing the respondents to consider the representation made by the petitioner on 12.06.2020 and permit the petitioner to store fruits in the subject property situated in Survey No.797/3, 1A

and 1B at Madhavaram, Chennai

2. The case of the petitioner is that he was running a whole sale shop selling fruits at Koyambedu Market. After the lockdown was announced by the Government of Tamilnadu, the entire market was closed. The petitioner, in order to conduct his business, found an alternative place at Madhavaram and entered into a lease agreement. The petitioner wants to use this place for the purpose storing fruits. The petitioner had made it clear even in the affidavit filed in support of the writ petition that the petitioner is not going to use the place for any retail or whole sale business and he is only going to store fruits in the property.

3. Heard Mr.Dharani for the writ petitioner and Mrs.Karthiga Ashok for the respondents.

4. In a case of similar nature, this Court passed an Order in W.P.NMo.8595 of 2020 dated 13.07.2020 and the relevant portions in the Order is extracted hereunder.

"7. In a case of this nature, a via media must be struck ensure that the petitioner is not put to undue loss and at the same time the activities of the petitioner does not cause any inconvenience for the authorities to handle the situation. Admittedly the petitioner is dealing with essential commodities and if the fruits are not distributed within time, the entire consignment will go waste and it will neither be in the interest of the petitioner or the consumer. Therefore, undertaking given by the petitioner that the premises at Madhavaram will not be used for retail or wholesale business is hereby recorded. The premises can be used as a place for storage of the fruits in order to move the fruits easily to the alternative market at Madhavaram. This will ensure that a travel from Vanagaram to Madhavaram need not be undertaken every time and the fruits can be easily moved from the premises of the petitioner to the alternative market at Madhavaram. This can be monitored by the officials belonging to the Chennai Corporation. They can also ensure that in the name of storage, the petitioner does not in any way indirectly undertake retail or wholesale business and in which case action can be immediately initiated.

8. In view of the above discussion, there shall be a direction to the first respondent to

consider the representation made by the petitioner on 20.06.2020 and take a decision in line with the indications given in this order and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order."

The above Order passed by this Court will also enure to the benefit of the petitioner. The second respondent is directed to consider the representation made by the petitioner on 12.06.2020 and take a decision in line with the Orders passed by this Court in W.P.No.8595 of 2020 and pass appropriate Orders within a period of two weeks from the date of receipt of a copy of this Order.

5. This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
Greater Chennai Corporation,
Chennai.
2. The Zonal Officer,
Zone-III (Madhavaram),
No.1, Thattankulam Street & Bazaar Road,
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+1cc to M/s.Karthikaa Ashok, Advocate, in SR.27605