

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.13115 of 2021

S.Kannan,
President,

A P J AbdulKalam Koyambedu Vanika Valaka

150, 300 Sathuradi Kaikari Viyaparikal Sankam,

Office at:

Shop No.C20, Koyambedu Market,

Koyambedu, Aminjikarai,

Chennai-92.

... Petitioner

vs.

1.The Principal Secretary to Government
of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the representation dated 11.12.2020 and take appropriate action against the wholesale shop owners who are all doing retail vegetable sale in front of their shops, without getting any license and approval from the appropriate authority.

For Petitioner : Mrs.Girija Velmurugan
for M/s.V.Gunasekar

For Respondents : Mr.P.Muthukumar
Counsel for the State

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The grievance of the petitioner is that despite his representation to the respondent authorities to take appropriate action against the wholesale shop owners at the Koyambedu Wholesale Market Complex, no action has been taken.

2. The third respondent has filed a report by way of an affidavit affirmed on June 25, 2021. The report says that the petitioner herein is neither a license holder of a wholesale shop, nor a license holder for a semi-wholesale shop, but is a mere tenant of a person who has a license in respect of a semi-wholesale shop at C-20, Koyambedu Wholesale Market Complex.

3. According to the third respondent, the petitioner himself cannot be allowed to run his store as it is in clear violation of the Market Management Committee License Book. The relevant rule has been quoted in the report to be as follows:

"License has been issued under below condition
licensed place should not allot either half portion
or other portion to anyone to do it business (sic)."

The report further says that it was because of the pandemic that the petitioner's representation could not be taken up immediately, particularly since the Koyambedu Wholesale Market remained closed for long stretches of time.

4. Since it is evident that the petitioner does not possess any license to undertake the wholesale or semi-wholesale business at the Koyambedu Wholesale Market Complex and is a mere tenant under a semi-wholesale license owner who could not have parted with possession of the shop or any part thereof in favour of any third person, the petitioner's case cannot be considered.

W.P.No.13115 of 2021 is dismissed. There will be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

sasi/bbr

To:

- 1.The Principal Secretary to Government
of Tamil Nadu,
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Chennai - 600 009.
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- 3.The Chief Administrative Officer,
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Chennai - 600 092.

+1cc to Mr.M.Velmurugan, Advocate SR.No.29705

W.P.No.13115 of 2021

RLD(CO)
GMY(30/06/2021)

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