



W.P.No.14843 of 2021

For Petitioner ... Mr.M.Rajasekhar

For respondents ... Mr.R.Thamaraiselvan
for R.1

Mr.C.N.Vinobha
for R.2

Mrs.Dakshayini Reddy
for R.3

ORDER

This writ petition has been filed to direct the second respondent to consider the application dated 24/3/2021 for the issuance of the licence for the period from 1/4/2021 to 31/3/2024 in favour of the petitioner in respect of Shop No.J-112/B Vegetable Market, Koyambedu, Chennai 600 092.

2. The case of the petitioner is that originally, third respondent was allotted a Shop bearing No.J/112 for a sale consideration of Rs.1,66,00,000/-. Since the third respondent was not able to pay the entire sale consideration, approached the petitioner for sale of the part of the property, to an extent of 1200 sq.ft. Hence the petitioner and third respondent had entered into an agreement and paid a sum of Rs.87,00,000/- towards the sale consideration to the office of the second respondent and Rs.50,00,000/- to the third respondent by way of cash.



3. Since the third respondent had failed to execute the sale agreement, in favour of the petitioner, constrained to file a suit, in C.S.No.521 of 2016.

Pending suit, settled the dispute by way of a compromise decree. As per the compromise decree, the petitioner was put into possession to an extent of 542 sq.ft and running the business at Shop No.J-112/B right from the date of decree.

4. As per Section 21 of the Tamil Nadu Specified Commodities Market Act, 1996, the petitioner had applied to the second respondent for the issuance of licence along with necessary charges on 1/3/2018 for the period from 1/4/2018 to 1/4/2021. Since the second respondent has not chosen to call upon the petitioner, he has filed W.P.No.6481 of 2018. Vide, order, dated 13/4/2018, this Court had directed the first respondent to pass orders on the application of the petitioner, dated 1/3/2018, within a period of eight weeks, after providing an opportunity of personal hearing to all the necessary parties.

5. Again, the petitioner had applied for licence for the period from 1/4/2018 to 31/3/2021. Since the second respondent refused to grant licence, the petitioner had filed the Statutory Appeal before the Chief Executive Officer. Again, on 24/3/2021, the petitioner had applied licence, for the



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period from 1/4/2021 to 31/3/2024. Since they failed to consider, the petitioner had filed W.P.No.15450 of 2020. Vide, order, dated 3/11/2020, this Court had directed the second respondent to consider the case of the petitioner after the Statutory Appeal reached its finality. Once again, the petitioner had applied for licence on 24/3/2021 for the period from 1/4/2021 to 31/3/2024. Since the same has not been considered so far, the petitioner has come forward with the present writ petition.

6. Heard Mr.M.Rajasekhar, learned counsel for the petitioner, Mr.R.Thamaraiselvan, learned counsel for the first respondent, Mr.C.N.Vinobha, learned counsel for the second respondent and Mrs.Dakshayini Reddy, learned counsel for the third respondent.

7. Learned counsel appearing for the petitioner submitted that as the Statutory Appeal is pending before the Principal Secretary, there may be a direction to the Principal Secretary to dispose of the appeal, in terms of Section 21 (a) of the Tamil Nadu Specified Commodities Market Act, 1996. According to him, Section 21 (a) of the said Act, does not prescribe any partition of the properties. Hence, the same has to be considered by the appellate authority.



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8. Accordingly, the Appellate Authority is directed to dispose of the appeal, considering the provision of Section 21 (a) of the Tamil Nadu Specified Commodities Market Act, 1996, after hearing the petitioner as well as the third respondent, within a period of three months from the date of receipt of a copy of this order.

9. With the above direction, this writ petition is disposed of. No costs.

12/12/2022

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.

N. SATHISH KUMAR, J

mvs.



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