



WEB COPY



W.P.No.17879 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.17879 of 2023
and WMP No.17003 of 2023

Mr.N.Raja Mohammed
S/o.Mr.Nainar Mohammed
Proprietor
M/s.HNR Fruits Company
No. T/A-1 Anna Fruit market
Koyambedu, Chennai - 600 107.

... Petitioner

.Vs.

1.The Chief Administrative Officer/DRO
Market Management Committee
C.M.D.A., Koyambedu Wholesale Market
Koyambedu, Chennai-600107.

2.Mr.M.Gowri Shankar
S/o.Mr.Munusamy
Proprietor, M/s.Mr & Sons
D-95, Periyar Market, Koyambedu
Chennai-600 107.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing directing the 1st respondent to consider the representation dated 09.06.2023 made by the petitioner to the 1st respondent and de-seal the shop situated at T/A-, Anna Fruit Market, Koyambedu, Chennai - 600 107 and permit the petitioner to carry on the fruit vending business in the said premises.



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For Petitioners

Mr.T.Thiageswaran

For Respondents

Mr.C.N.Vinobha
Standing Counsel
for R1

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 1st respondent to consider the representation made by the petitioner on 09.06.2023, wherein the petitioner has requested the 1st respondent to de-seal the Shop and to permit the petitioner to run the business.

2.Heard Mr.T.Thiageswaran, learned counsel for the petitioner and Mrs.C.N.Vinobha, learned Standing Counsel appearing on behalf of the 1st respondent.

3.On going through the records, it is seen that there is a private dispute between the petitioner and the 2nd respondent. The license was granted by the 1st respondent in favour of the 2nd respondent and thereafter the 2nd respondent permitted the petitioner to run the business in the Shop at Koyambedu, Chennai. When an attempt was made by the 2nd respondent to interfere with the business, the petitioner also filed a suit in OS.No.7291 of 2019, before the XI Assistant City Civil Court, Chennai, claiming for the relief of permanent injunction. The suit was decreed in favour of the petitioner through judgment and decree dated 04.07.2022.



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4.The grievance of the petitioner is that the decree passed by the Civil Court has become final and the petitioner is also depositing the monthly rent in the Court since the 2nd respondent is refusing to receive the same in IA.No.4 of 2021 through order dated 04.01.2021 and inspite of the same, the 2nd respondent had instigated a third party to create law and order problem and based on the same, a complaint came to be given before the Koyambedu Police Station. Immediately, the complaint was brought to the notice of the 1st respondent and the 1st respondent took steps to seal the shop and the shop was accordingly sealed on 04.06.2023.

5.The petitioner made a representation to the 1st respondent explaining all the above facts on 09.06.2023. Since the same did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate directions.

6.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition and without going into the merits, there shall be a direction to the 1st respondent to deal with the representation made by the petitioner on 09.06.2023 and take a decision on its own merits and in accordance with law, within a period of two weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with all the relevant documents and also a copy of this order.



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7. This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

16.06.2023

KP

Internet : Yes/No

Index : Yes/No

Neutral Citation : Yes/No



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To

The Chief Administrative Officer/DRO
Market Management Committee
C.M.D.A., Koyambedu Wholesale Market
Koyambedu, Chennai-600107.



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N.ANAND VENKATESH, J.

KP

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