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W.P.No.22715 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.22715 of 2023

and

WMP.No.22164 of 2023

Thangavel

..Petitioner

Vs.

1.The Market Management Committee
Rep.by Chief Administrative Officer
Koyambedu Wholesale Market Complex
Koyambedu, Chennai 600 107.

2.The Market Management Committee
Rep.by Assistant Executive Engineer
Koyambedu Wholesale Market Complex
Koyambedu, Chennai 600 107.

3.Raja

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 & 2 to consider the application of the petitioner for licence in Sl.No.9271 dated 24.07.2023 in respect of shop E1, Periyar Vegetable and Fruit Complex to an extent of 650/-



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sq.ft., situated at Koyambedu Wholesale Market Complex, Koyambedu, Chennai 107 as per the Section 21 of the Tamil Nadu Specified Commodities Markets (Regulation of Location) Act, 1996 (Act 24 of 1996) and till such time direct the respondents 1 & 2 to de-seal the shop E1, Periyar Vegetable and Fruit Complex to an extent of 650/- sq.ft., situated at Koyambedu Wholesale Market Complex, Koyambedu Chennai-107 as per the representation of the petitioner dated 27.07.2023.

For Petitioner : Mr.T.Sai Krishnan

For Respondents : Mr.C.N.Vinobha for R1 & R2
Standing Counsel

ORDER

The petitioner herein seeks a direction to the respondents 1 & 2 to consider his application for grant of licence in Sl.No.9271 dated 24.07.2023 in respect of Shop E1, Periyar Vegetable and Fruit Complex to an extent of 650/- sq.ft., situated at Koyambedu Wholesale Market Complex, Koyambedu, Chennai 107.



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2. According to the petitioner, he has been doing wholesale and retail coconut business in the name and style of M/s.T.P.R. & Co., for the past 15 years in shop No.E1, Periyar Vegetable and Fruits Complex in the Koyambedu Market. The third respondent is the owner of the said shop and the petitioner has taken possession of portion of the said shop from the third respondent on rental basis in the year 2008. Subsequently, the petitioner entered into a sale agreement with the third respondent for purchasing of the said portion by the agreement dated 03.01.2014.

3. The petitioner filed an application before the first respondent on 24.07.2023 in Sl.No.9271 seeking grant of licence to run a wholesale business in the above mentioned shop. The petitioner also sent a representation to the first respondent on 27.07.2023 to consider his application immediately as the shop had been sealed by the Subordinate Officer of the first respondent on the ground that the petitioner has no valid licence to do business in the name of T.P.R. & Co.

4. The learned counsel for the petitioner submitted that on account of sealing the shop, the livelihood of the petitioner would be deprived



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and hence directions may be issued to the first respondent to de-seal the premises and also to consider the application of the petitioner for grant of licence within a time frame.

5. Mr.C.N.Vinobha, learned Standing Counsel takes notice for the respondents 1 & 2.

6. Even as per the admitted case of the petitioner, as on today, the petitioner does not have valid licence to carryout business as per Section 21 of the Tamil Nadu Specified Commodities Markets (Regulation of Location) Act, 1996. Therefore, the prayer made by the petitioner to de-seal cannot be granted.

7. However, in view of the limited prayer expressed by the petitioner, the first respondent is directed to consider the petitioner's application in Sl.No.9271 dated 24.07.2023 for grant of licence and pass final orders as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order, after issuing notice to the third respondent.



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8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

01.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
dna

Note: Issue order copy on 02.08.2023

To

- 1.The Market Management Committee
Rep.by Chief Administrative Officer
Koyambedu Wholesale Market Complex
Koyambedu, Chennai 600 107.
- 2.The Market Management Committee
Rep.by Assistant Executive Engineer
Koyambedu Wholesale Market Complex
Koyambedu, Chennai 600 107.



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S.SOUNTHAR, J.

This matter has been posted under the caption 'For Being Mentioned' at the instance of learned counsel for the petitioner.

2. In the order dated 01.08.2023 in W.P.No.22715 of 2023, the following paragraph is ordered to be included:-

“8. It is submitted by the learned counsel for the petitioner that this Court by order dated 01.08.2023 directed the first respondent to consider his application dated 24.07.2023 for grant of licence. The learned counsel further submitted that the petitioner also submitted a representation dated 27.07.2023 for de-sealing of premises and a direction may be given to the 1st respondent to consider the said representation for de-sealing also. The request of the petitioner for de-sealing of the premises cannot be considered without issuing notice to the 3rd respondent. Therefore, this Court is not inclined to issue any positive direction in favour of the petitioner. However, the 1st respondent is directed to consider the representation of the petitioner dated 27.07.2023 seeking de-sealing of the premises, along with above referred application in Sl.No.9271 dated 24.07.2023 after issuing notice to the 3rd respondent and pass appropriate orders, within the period as specified above.”

3. Registry is directed to issue fresh order copy to the parties, immediately.

03.08.2023

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