



W.P. No. 34685 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 34685 of 2023

and

W.M.P. Nos. 34642 and 34644 of 2023

1. Lalkhan Pallivasal
Chidambaram,
by its Executive Secretary
Chellappa @ Ziauddin
S/o. Rahamatullah,
No.45, Kothaval Street,
Chidambaram, Chidambaram Taluk,
Cuddalore District.

2. Chidambaram Lalkhan
Pallivasal Kai Kani Kadai
Viabarigal Sangam,
Regd. No.2/2014,
by its President,
Arumugham S/o Sengeni,
Kothaval Street,
Chidambaram,
Chidambaram Taluk,
Cuddalore District.

... Petitioners

-VS-

The Commissioner,
Chidambaram Municipality,
Chidambaram,
Chidambaram Taluk,
Cuddalore District.

... Respondent



W.P. No. 34685 of 2023

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the respondent and its agents from in any manner interfering with the right of members of 2nd petitioner Association from doing business in the shops belonging to the 1st petitioner in T.S.No.615 in Kothaval Street, Chidambaram, Chidambaram Taluk, Cuddalore District.

For Petitioners : Mr. R. Gururaj

For Respondent : Mr. P. Srinivas

ORDER

Heard Mr. R. Gururaj, Learned Counsel for the Petitioners and Mr. P. Srinivas, Learned Counsel appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The First Petitioner is Lalkhan Pallivasal, which claims to be the owner of the Shopping Complex having 46 shops in Town Survey No. 615 in Kothaval Street, Chidambaram, Cuddalore District (hereinafter referred to as the 'Shopping Complex' for short). The Second Petitioner is as an Association of the tenants of the said 46 shops in the Shopping Complex and has been registered under the Tamil Nadu Societies Registration Act, 1975. The grievance ventilated by the Petitioners in the Writ Petition is that the



W.P. No. 34685 of 2023

Respondent is interfering with the rights of the members of the Second Respondent from carrying on business in the Shopping Complex.

3. In response, Learned Counsel appearing for the Respondent has brought to notice that a 'private market' conducted by the Petitioners in the Shopping Complex requires licence to be obtained under Section 108(4) of the Tamil Nadu Urban Local Bodies Act, 1988, which is extracted below:-

108. Licencing of public and private markets.—

....

(4) No private market shall be established or administered by any person or association of persons or any organisation without any licence granted by the Commissioner for a period and subject to such terms and conditions as may be prescribed.

It is highlighted that in the absence of the requisite licence, neither the First Petitioner and its tenants nor the Second Petitioner and its members could claim any right to carry on business in the Shopping Complex, and there cannot be any fetter on the powers of the Respondent to take necessary action in accordance with law to prevent the continuance of such illegality.



W.P. No. 34685 of 2023

WEB COPY

4. As there is substantial force in the said contention, Learned Counsel for the Petitioners states that necessary steps would be taken to obtain the requisite licence from the Respondent. In such circumstances, if any application is made by the Petitioners for obtaining requisite licence, the same shall be duly considered by the Respondent in accordance with law expeditiously, but no one can claim any right to conduct the private market in the Shopping Complex without it.

5. It is trite that a mere contemplation or possibility that a right may be infringed, without any legitimate basis for that right, would not give rise to a cause of action.

In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, connected Miscellaneous Petitions are closed. No costs.

22.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 05.06.2024.



W.P. No. 34685 of 2023



W.P. No. 34685 of 2023

To

WEB COPY

The Commissioner,
Chidambaram Municipality,
Chidambaram,
Chidambaram Taluk,
Cuddalore District.



WEB COPY



W.P. No. 34685 of 2023

P.D. AUDIKESAVALU, J.

gsa

W.P. No. 34685 of 2023

22.12.2023