



W.P.No.36355 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

W.P.No.36355 of 2023

and

W.M.P.No.36339 of 2023

T.Iyyappa Raj
S/o.I.Thangakarruppaswami

...Petitioner

Vs

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

2. The Market Management Committee
Represented by its Chief Administrative Officer
Koyambedu Wholesale Market Complex
Koyambedu, Chennai-600 092.

3. Mrs.Sathi Devi
W/o.C.A.Rajendran

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the 2nd respondent from interfering with the business of the petitioner at Shop No.V/F/1 to an extent of 421 sq.ft situated at Periyar Vegetable Market, Koyambedu



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Whole Sale Market Complex, Chennai, pending disposal of the appeal dated 21.12.2023 as per Section 45 read with Rule 14 of the Tamil Nadu Specified Commodities (Regulation of Location Act), 1996 and further direct the 1st respondent to dispose of the said appeal in accordance with Section 21(1)(a) of the Tamil Nadu Specified Commodities (Regulation of Location Act) 1996.

For Petitioner : Mr.M.Rajasekar
For Respondents : Mr.S.Sudalai Selvan, for R1
Mr.R.Thamarai Selvan, for R2

ORDER

Mr.S.Sudalai Selvan, learned counsel accepts notice for first respondent. Mr.R.Thamarai Selvan, learned counsel accepts notice for second respondent. By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus forbearing the second respondent from interfering with the business of the petitioner at Shop No.V/F/1, measuring an extent of 421 sq.ft situated at Periyar Vegetable Market, Koyambedu Whole Sale Market Complex, Chennai, pending disposal of the appeal dated 21.12.2023 under Section 45 read with Rule 14 of the Tamil Nadu Specified Commodities (Regulation of Location)



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Act, 1996 and directing the first respondent to dispose of the said appeal in accordance with Section 21(1)(a) of the Tamil Nadu Specified Commodities (Regulation of Location Act) 1996.

3. The third respondent purchased the property from one Thirugnanasambandam. Thereafter, the petitioner became a tenant under the third respondent. It is the allegation of Mr.M.Rajasekar, learned counsel for the petitioner that the third respondent attempted to forcefully dispossess the writ petitioner, which constrained him to file a suit in O.S.No.1184 of 2013 on the file of the V Additional City Civil Court, Chennai. He states he obtained ad-interim order of interim injunction restraining the third respondent from interfering with his possession.

4. Pending the suit, the second respondent initiated proceedings stating that the writ petitioner does not have licence to do business in the said premises.

5. Mr.M.Rajasekar would vehemently contend that the Act does not contemplate the allottee or purchaser alone to be entitled for licence.



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According to him, any person doing business legally in the premises is entitled for a licence. This argument unfortunately was not accepted by the second respondent, against which, a statutory appeal has been preferred before the first respondent.

6. Now, the writ petitioner seeks for a direction to the first respondent to dispose of the appeal dated 21.12.2023. I notice from the typed set of papers that my brother Mr.Justice.S.Sounthar has granted an interim order on 24.07.2023 permitting the petitioner to run his vegetable shop, pending disposal of the application for licence before the second respondent. Now, that the second respondent has passed an order and an appeal is pending before the first respondent and taking note of the interim order dated 24.07.2023 passed in W.P.No.22040 of 2023, I pass the following order:

(i) The first respondent shall dispose of the appeal, after giving an opportunity to the petitioner and the third respondent within a period of eight weeks from the date of receipt of a copy of this order;



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(ii) During the pendency of the appeal, there shall be an order of interim injunction restraining the respondents from interfering with the vegetable shop business being run by the writ petitioner;

(iii) It is open to the writ petitioner to raise all contentions, including the one that an application under Section 21 of the Tamil Nadu Specified Commodities (Regulation of Location) Act 1996 before the first respondent can be made by a person in lawful occupation.

With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

28.12.2023

Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation : Yes/No

mk/ms



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V.LAKSHMINARAYANAN.J.,

mk/ms

To

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