



W.P. No. 1510 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

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

W.P. No. 1510 of 2024
and
W.M.P. No. 1521 of 2024

Thangavel

... Petitioner

-VS-

1. Chennai Metropolitan Development Authority,
Represented by Member Secretary,
No.1, Gandhi Erwin Road,
Egmore,
Chennai – 600008.

2. The Market Management Committee,
Represented by Chief Administrative Officer,
Koyambedu Wholesale Market Complex,
Koyambedu,
Chennai – 600107.

3. Raja

4. M.Indumathi

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records of impugned order passed by the Second Respondent in letter no.



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Sa.Mu.Aa.Nee.Ku/A2/1278/2015 dated 09.01.2024 quash the same and further direct the Second Respondent to put the Petitioner into possession of the shop E1, Periyar Vegetable and Fruit Complex to an extent of 650 Sq. ft. situated at Koyambedu Wholesale Market Complex, Koyambedu, Chennai – 600107 and also direct the Third and Fourth Respondents to pay a sum of Rs. 5,00,000/- (Rupees Five Lakhs Only) as compensation to the Petitioner.

For Petitioner : Mr. K.Rajasekar
for Mr. T.Saikrishnan

For Respondents : Mr. C.Manoharan (for R1)
Mr. R.Thamaraiselvan (for R2)

ORDER

Heard Mr. K.Rajasekar, Learned Counsel appearing for the Petitioner, Mr. C.Manoharan, Learned Counsel for the First Respondent and Mr. R.Thamaraiselvan, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner had made an application under Section 21 of the Tamil Nadu Specified Commodities Markets (Regulation of Location) Act, 1996 (hereinafter referred to as 'the Act' for short), which was rejected by Proceedings in Se. Mu. Aanai. En. ANiKu/A2/1278/2015 dated 09.01.2024



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issued by the Second Respondent. The said order is challenged in this Writ
Petition.

3. It is brought notice that the Petitioner has on 19.01.2024 preferred appeal against the said order before the First Respondent invoking Section 21(5) read with Section 45 of the Act, which was taken on file as C. No. K4/0216/24 and posted for hearing on 19.02.2024. Learned Counsel for the First Respondent has made an endorsement to that effect in the court record.

5. In such circumstances, it shall be incumbent upon the First Respondent to send due notice to the Petitioner, the Third and Fourth Respondents and all other persons concerned to attend the hearing on the said date as well as on the subsequent dates to which it is adjourned and ensure that there are atleast two effective hearing every month showing progress of the case. After affording full opportunity of hearing to all parties concerned following the prescribed procedure in consonance with the principles of natural justice, the First Respondent shall deal with each of the contentions raised and pass reasoned orders on merits and in accordance with law and communicate the decision taken to them under written acknowledgment. The report of such compliance shall be filed before the Registrar (Judicial) of the Court.



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In the result, the Writ Petition is disposed on the aforesaid terms. No costs. Consequently, the connected Miscellaneous Petition is closed. No costs.

24.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 26.02.2024

pal/vjt

To

1. Chennai Metropolitan Development Authority,
Represented by Member Secretary,
No.1, Gandhi Erwin Road,
Egmore,
Chennai – 600008.
2. The Market Management Committee,
Represented by Chief Administrative Officer,
Koyambedu Wholesale Market Complex,
Koyambedu,
Chennai – 600107.



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Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.
2. Thangavel,
S/o. Late Thanga Karupusamy,
No. 5/11, Pari Salai,
Mogappair East,
Chennai – 600 037.
3. Raja,
S/o. Palanisamy,
No. 8, Thamarai Street,
Brindhavan Nagar,
Koyambedu,
Chennai – 600 092.
4. M.Indumathi,
H/o of the Chief Administration Office,
Koyambedu Wholesale Market Complex,
Koyambedu,
Chennai – 600 107.



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P.D. AUDIKESAVALU, J.

pal/vjt

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24.01.2024