



WEB COPY



W.P.No.14416 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.05.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.No.14416 of 2024

and

W.M.P.No.15679 of 2024

S.Raja Mohamed

.. Petitioner

vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

2. Chief Executive Engineer,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

3. The Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Market Complex,
Chennai.

4. R.Ramiah

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to renew the license in the name of the petitioner in respect of the shop at A.U.No.19 at Koyambedu Wholesale Complex, Koyambedu, Chennai – 600 107 from 01.04.2024 to 31.03.2027 as it was done earlier as per the petitioner's application dated 08.03.2024.

For Petitioner : Mr.C.Jagadish



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For Respondents : Ms.Isha for M/s.P.Veena Suresh
Standing Counsel [R1 & R2]

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The writ petitioner seeks for issuance of a writ of mandamus, directing the respondents 1 to 3 herein to renew the license in the name of the petitioner in respect of the shop at A.U.No.19 at Koyambedu Wholesale Complex, Koyambedu, Chennai – 600 107 from 01.04.2024 to 31.03.2027 as it was done earlier as per the petitioner's application dated 08.03.2024.

3. The petitioner claims that he is doing business at shop No.AU -19 of Periyar Vegetable Market within Koyambedu Vegetable Market Complex. This has originally been allotted in favour of the fourth respondent. A suit for specific performance was filed in O.S.No.3925 of 2015, which came to decreed, against which, an appeal has been presented in A.S.No.47 of 2021.

4. Mr.C.Jagadish, learned counsel for petitioner, would state that



the said appeal is still pending.

5. As running of business in the market requires a license, the writ petitioner had applied for a license and had also secured the same on 04.05.2021. Since the license had expired on 31.03.2024, he took out a fresh application for renewal of license on 08.03.2024. The said application is pending. He would state that on the very same day, he has also paid the license fee in favour of the market committee.

6. Though the prayer is for a positive mandamus seeking for a direction to grant license, the power to grant license is only available with the third respondent. Therefore, I am of the view that if a direction is given to the third respondent to consider the application that has been filed on 08.03.2024 and dispose of the same within a stipulated period, it will serve the ends of justice.

7. Accordingly, the Chief Administrative Officer of the Koyambedu Market Vegetable Complex is directed to pass orders on the

V. LAKSHMINARAYANAN, J.



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petitioner's application dated 08.03.2024 within a period of eight (8)
weeks after hearing the writ petitioner and the fourth respondent or any
other persons, who might be interested in the same.

Accordingly, this Writ Petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

30.05.2024

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
gm/mp

To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.
2. The Chief Executive Engineer,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

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