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W.P. No. 22040 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

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

W.P. No. 22040 of 2023

and

W.M.P. No. 21417 of 2023

T.Iyyappa Raj

... 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. Sathi Devi

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing Shop No.V/F/1 to an extent of 421 sq.ft. Situated at Koyambedu Vegetable Market, Whole Sale Market Complex, Chennai pending disposal of the application for License and Registration Certificate dated 21.07.2023 before the Second Respondent.

(Prayer amended vide order dated 07.08.2023 made in W.M.P. No. 22781 of 2023 in W.P. No. 22040 of 2023 by this Court.)



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For Petitioner : Mr. M.Rajasekar

For Respondents : Mr. Y.Bhuvanesh Kumar, SC for CMDA (R1)

Mr. C.N.Vinobha, SC for MMC (R2)

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ORDER

Heard Mr. M.Rajasekar, Learned Counsel for the Petitioner, Mr. Y.Bhuvanesh Kumar, Learned Standing Counsel appearing for the First Respondent and Mr. C.N.Vinobha, Learned Standing Counsel appearing for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. Learned Counsel appearing for the Petitioner states that after the filing of the Writ Petition, the application dated 21.07.2023 made by the Petitioner for granting of License and Registration Certificate before the Second Respondent had been rejected and challenging the same, the Petitioner has filed another Writ Petition in W.P. No. 36355 of 2023, which was disposed by order dated 28.12.2023 directing the First Respondent to dispose the appeal against the order rejecting the application for licence, after affording opportunity of hearing to the Petitioner leaving it open to the Petitioner to raise all his contentions including that the person in lawful occupation can also make an



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application under Section 21 of the Tamil Nadu Specified Commodities (Regulation of Location) Act, 1996, in that appeal. In view of the same, he seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to pursue other remedies before the proper forum in the manner recognized by law and he has also made an endorsement to that effect in the court record.

In view of the same, the Writ Petition is dismissed as withdrawn with the aforesaid clarification. Consequently, the connected Miscellaneous Petition is closed. No costs.

08.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.04.2024.

Maya

To

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.



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P.D. AUDIKESAVALU, J.

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