



W.A.No.2830 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2025

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CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.No.2830 of 2024

G.Murali .. Appellant

v.

1. A.Lackendran

2. The Chief Administrative Officer
Market Management Committee
Koyambedu Wholesale Market Committee
Koyambedu, Chennai 600 092 .. Respondents

Memorandum of Grounds of Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 12.09.2022 passed in W.P.No.13176 of 2018.

For Appellant :: Mr.M.Sriram

For Respondents :: Mr.M.Rajasekhar for R1
Mrs.P.Veena for R2



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JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM,J.)

The writ appeal on hand has been instituted challenging the writ order dated 12.09.2022 passed in W.P.No.13176 of 2018.

2. The first respondent in the present writ appeal instituted writ proceedings to forbear the second respondent from taking any coercive steps like evicting or restraining the first respondent from doing his wholesale business in the Shop No.K-106 in Periyar Vegetable Market Complex in Koyambedu, Chennai, in pursuance to the notice issued by the second respondent vide letter dated May, 2018. The first respondent filed the writ petition as if projecting that the second respondent-Market Management Committee had leased out the premises in his favour. The fact stands otherwise.

3. It is brought to the notice of this Court that the father of the writ appellant-Mr.G.Murali was the original allottee, who paid the entire cost of



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the shop. The allotment was made in the year 1998. The father of the appellant died on 12.02.2015. Thereafter, the appellant became the owner, since he is the legal heir of the original allottee.

4. The learned counsel Mr.M.Sriram appearing on behalf of the appellant would mainly contend that no valid lease exists between the appellant and the first respondent. In the absence of any lease, the first respondent has no locus to occupy the subject premises. For evicting the first respondent, rent control proceedings have already been initiated and pending before the competent Court. The first respondent, without even impleading the appellant, who is the owner of the shop, filed the writ petition and obtained the impugned order behind the back of the appellant and therefore the present writ appeal came to be instituted by securing leave from this Court.

5. The impugned writ order reveals that the issues are not adjudicated on merits. Since the second respondent has not filed any counter, the writ petition was allowed. There is no adjudication of facts nor the issues are



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considered on merits. However, the relief granted by the writ Court certainly would cause prejudice to the interest of the appellant, who is the owner of the said shop. The learned counsel for first respondent would submit that the writ petition was filed only to secure licence from the second respondent to run the business. Even for obtaining licence from the Market Management Committee, the applicant should establish valid lease and in the absence of any right, no licence can be granted to run the shop in Koyambedu market. Admittedly, the lease was not renewed by the father of the appellant and after his demise, the appellant has not executed any lease deed in favour of the first respondent. That being so, the first respondent has no legal right to occupy the premises nor file an application seeking licence in the absence of any valid lease. In view of the above facts and circumstances, this Court finds that the writ order impugned is infirm and cannot be sustained. Consequently, the writ order dated 12.09.2022 passed in W.P.No.13176 of 2018 is set aside and the writ appeal stands allowed. No costs.

Index : yes
Neutral citation : yes

(S.M.S.,J.) (K.R.S.,J.)
25.02.2025



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To

1. The Chief Administrative Officer
Market Management Committee
Koyambedu Wholesale Market Committee
Koyambedu, Chennai 600 092



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S.M.SUBRAMANIAM,J.

AND

K.RAJASEKAR,J.

SS

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