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W.P.No.15223 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.04.2025

CORAM

THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.15223 of 2025

and

W.M.P.Nos.17173 and 17175 of 2025

D.Uthiravel
S/o.Duraisami,
Proprietor SVS Vegetables,
Having its business
Shop No.D-101, Ground Floor,
Periyar Wholesale Vegetable Market Complex,
Koyambedu, Chennai - 600 092
Also residing at
No.68 A, 1st Floor Cheran Street,
Rajiv Gandhi Nagar, Nerkundram,
Chennai - 600 107.

... Petitioner

Vs.

1. The Member Secretary - CMDA,
Chennai Metropolitan Development Authority,
No.1, Ground Floor,
Thalamuthu Natrajan Building,
Gandhi Irwin Road, Egmore,
Chennai - 600 008.
2. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
No.1, Thalamuthu Natrajan Building,
Gandhi Irwin Road, Egmore,
Chennai - 600 008.



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3. The Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu,
Chennai - 600 107.

4. Mr.P.Sathish,
S/o.P.Seshaiya,
No.427, Mint Street,
Chennai - 600 079.

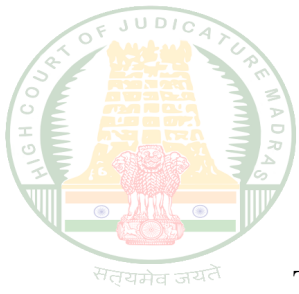
...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records of the 3rd respondent in proceeding Se.Mu.Order.No.AaNeKu/A2/507/2016 dated 23.04.2025 and quash the same as illegal, consequently directing the 3rd respondent to remove the lock and seal put by the 3rd respondent in the premises situated at Shop No.D-101, Periyar Wholesale Vegetable Market Complex, Koyambedu, Chennai - 600 092.

For Petitioner : Mr.C.Umashankar

For R1 to R3 : Mr.P.Kumaresan,
Additional Advocate General
Assisted by M/s.Veena Suresh,
Senior Counsel

For R4 : Mr.R.C.Paul Kanagaraj



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ORDER

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This Writ Petition has been filed to call for the records of the 3rd respondent in proceeding Se.Mu.Order.No.AaNeKu/A2/507/2016 dated 23.04.2025 and quash the same as illegal, consequently directing the 3rd respondent to remove the lock and seal put by the 3rd respondent in the premises situated at Shop No.D-101, Periyar Wholesale Vegetable Market Complex, Koyambedu, Chennai - 600 092.

2. The brief facts leading to the filing of the above Writ Petition are as follows:

The petitioner was engaged in the wholesale vegetable and fruit business at Koyembedu Market under the name and style of SVS Vegetables, operating from Shop No. D-101. He had been conducting business from the year 2006 until 17.04.2025. On 23.04.2025, the third respondent passed an order vide proceedings in Se.Mu.Order.No.AaNeKu/A2/507/2016 and sealed the premises, thereby shutting down the petitioner's business. Aggrieved by the sealing of the premises, the petitioner has filed the present Writ Petition.



3. The learned counsel appearing for the petitioner submitted as follows:

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(i) The said premises was allotted to the 4th respondent vide sale deed dated 11.12.2003, registered as Document No. 941 of 2003 on the file of the Sub-Registrar Office, Anna Nagar. He further submitted that the petitioner was inducted as a tenant in the aforesaid premises in the year 2006. At the inception of the tenancy, the petitioner paid a sum of Rs. 2,00,000/- as rental advance and a rent of Rs. 1,200/- per day (approximately Rs. 36,000/- per month), based on an oral agreement between the petitioner and the 4th respondent.

(ii) The petitioner has also registered his business under the Ministry of Micro, Small and Medium Enterprises (MSME) and obtained the Udyam Registration Certificate in his name vide Certificate No. UDHYAM-TN-02-0161898, dated 08.12.2022. He has also obtained a GST Registration Certificate bearing No. 33AEUPU1729C1ZC, dated 05.07.2021, for the purpose of running the wholesale business..

(iii) The petitioner had been running his business without any let or hindrance from any person from the year 2006 until 17.04.2025. On 17.04.2025, the 4th respondent entered the aforesaid tenanted premises and demanded that the petitioner vacate and hand over possession. Aggrieved by the said act of the 4th respondent, the petitioner lodged a complaint with the K-10, Koyambedu Police Station, pursuant to which an FIR was registered in Crime No. 162 of 2025.

(iv) Following the said incident, the petitioner approached the Civil Court and filed a suit in O.S. No. 2454 of 2025 before the XII Assistant City Civil Court, Chennai, seeking a permanent injunction against the 4th



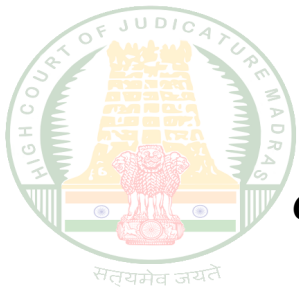
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respondent to protect the continued running of his business. The petitioner also filed an injunction petition in I.A. No. 2 of 2025 in O.S. No. 2454 of 2025. Upon considering the prima facie case and balance of convenience, the learned XII Assistant City Civil Judge granted an ad-interim injunction against the 4th respondent vide order dated 21.04.2025. The said order was duly communicated to the respondent and the matter is currently pending before the XII Assistant City Civil Court, Chennai.

(v) Despite the above, the 3rd respondent passed an order vide proceedings in Se.Mu.Order.No.AaNeKu/A2/507/2016, dated 23.04.2025, and sealed the aforesaid premises, thereby shutting down the petitioner's entire business.

4. The learned Additional Advocate General submitted that the petitioner shall give a representation to the third respondent Committee, which shall conduct a detailed enquiry after providing due opportunity to both parties, within a time frame to be fixed by this Court.

5. The learned counsel appearing for the fourth respondent submitted that his client is the owner of the subject property and that the petitioner was conducting business outside the shop owned by the fourth respondent. He further submitted that a suit in O.S. No. 2454 of 2025 has already been filed and is presently pending before the XII Assistant City Civil Court, Chennai.



6. Heard both sides and perused the materials available on record.

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7. In view of the above submissions made by both parties, this Court issues the following directions :

(i) The petitioner is directed to submit a representation to the third respondent within a period of one week from the date of this order.

(ii) Upon receipt of such representation, the third respondent shall conduct a detailed enquiry, after issuing due notice to both the petitioner and the fourth respondent, affording an opportunity of personal hearing, and to consider the documents submitted by both parties, on merits, in accordance with law, and to pass appropriate orders within a period of three weeks thereafter.

(iii) Based on the outcome of the enquiry, the third respondent shall take a decision regarding the de-sealing of the premises and handing over possession either to the petitioner or the fourth respondent, as deemed appropriate in accordance with law.



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8. The Writ Petition is disposed of with the above observations and directions. No costs. Consequently, connected W.M.Ps are closed.

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Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

Note: Issue order copy on 30.04.2025

To

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Chennai Metropolitan Development Authority,
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J.SATHYA NARAYANA PRASAD. J.,

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W.P.No.12553 of 2025 and
W.M.P.Nos.17173 and 17175 of 2025

29.04.2025