



W.P.No.31842 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2025

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

W.P No. 31842 of 2014

and

WMP.No's.1 to 3 of 2014

E.Durai

... Petitioner

Vs

1. The Member Secretary,
Chennai Metropolitan Development Authority,
No.8, Gandhi Irwin Road,
Egmore, Chennai 600 008.

2.The Chief Executive Officer,
Chennai Metropolitan Development Authority,
No.8, Gandhi Irwin Road,
Egmore, Chennai 600 008.

.... Respondents

Writ petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, calling for the records of the Respondents pertaining to the impugned Notice dt.31.10.2014 bearing “Nil” Ref, quash the same and direct the Respondents to widen the truck-ramp to enable movement of trucks to the first floor of the Wholesale Flower Market Complex at Koyambedu, Chennai.

For Petitioner : Mr.K.V.Subramanian,



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Special Counsel
for Mr.M.A.Abdul Wahab

For Respondents : Mrs.P.Veenasuresh,
Government Advocate

ORDER

Writ petition is filed for writ of certiorarified mandamus, calling for the records pertaining to the impugned order dated 31.10.2014, to quash the same and to further direct the respondents to widen the truck-ramp to enable movement of trucks to the first floor of the Wholesale Flower Market Complex at Koyambedu, Chennai.

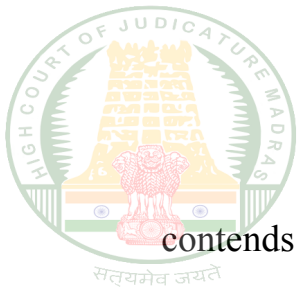
2. The petitioner was originally conducting whole sale flower business in the name of 'Sri Kamatchi Flowers', Shop No. 31, George Town, Flower Bazaar, Chennai. Whiles, to reduce congestion and facilitate hygienic wholesale market, the Madras Metropolitan Development Authority (MMDA) conducted a meeting on 17.01.1986, and issued notice for construction and development of a wholesale market complex at koyambedu. The petitioner submitted an application to the 2nd respondent, for allotment of a shop and was allotted shop No.FD 117, Block D, with an area of 300 Sq.ft, in the first floor of Koyambedu wholesale market complex. Possession was handed over to the petitioner on 14.10.1996. Whiles, the petitioner approached the respondents to



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allot the shop in the ground floor instead of the shop No.FD 117 allotted to him

in the first floor, on the ground that there were obstructions to the movement of the trucks in the first floor. According to the petitioner, he paid all dues necessary for execution of the sale deed, in his favour for the said shop No.FC 117. Despite receipt of the entire consideration, the sale deed was not executed in his favour. The petitioner filed writ petition in W.P.No.24734 of 2009, for a Writ of Certiorarified Mandamus, calling for the records of the letter No.K3/7292/08, dated 22.07.2009, 08.09.2009 and 28.10.2009, to quash the same as illegal and without jurisdiction and consequently to direct the respondent to change the allotment from shop No.FD-117, in the first floor to a vacant shop in FC-18, in the ground floor of the Koyambedu wholesale market complex. The said writ petition was disposed of by this court on 31.03.2010, directing the respondent to consider the petitioner's explanation along with his representation and pass orders on merits. The petitioner accordingly submitted his representation on 05.04.2010. The petitioner states that he initiated several litigations, with regard to the change of shop and one such case, is pending before the Hon'ble Division Bench in Review Petition No.171 of 2014. Whiles, on 31.10.2014, the 2nd respondent sealed the petitioner's premises for not possessing valid license as per the provisions of the Tamil Nadu Specified Commodities Markets (Regulation & Location) Act, 1996. The petitioner



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contends that unless free access was provided for conducting the business, there would be no point in applying for license. The petitioner aggrieved by the impugned order dated 31.10.2014, filed the above writ petition for the aforesaid relief.

3. The respondents filed a detailed counter, stating that the petitioner's shop was sealed, because he did not possess valid license to run the business in the market. The respondent's submitted that under section 21(1) of the Tamil Nadu Specified Commodities Markets (Regulation & Location) Act, 1996, it was mandatory to possess a license for conducting the business. The respondents further stated that the Hon'ble Full Bench of this court in W.A.No.2295 to 2308 of 2018 batch, vide order dated 19.01.2021, invoked the doctrine of implied powers, and held that the local authority was possessed of the power of locking and sealing the premises of the shop owners, who engaged in wholesale trading / business in violation of provisions of law. The respondents therefore stated that there was absolutely no infirmity in the impugned order and therefore the writ petition deserved to be dismissed.

4. I have heard both the learned counsels and perused the materials



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available on record.

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5. During the pendency of the writ petition, an advocate commissioner was appointed and filed his report on 22.01.2025. To the said Advocate Commissioner's report, objections were filed by the respondents on 01.04.2025. Be that as it may, let me consider, the prayer in the writ petition which is for quashing the lock and seal order passed by the 2nd respondent.

6. It is indisputable that possession of a valid license as per Section 21(1) of the Tamil Nadu Specified Commodities Markets (Regulation and Location) Act, 1996, is mandatory for running the trade/business. Further, the Hon'ble Full Bench has laid down the law that the Authority has the power to lock and seal the shop for violation of the law. Admittedly, the petitioner does not possess a valid license, even today, for running a shop in the whole sale market complex. Therefore, in my view, there is absolutely no infirmity in the impugned order for locking and sealing the petitioner's shop for want of license. The petitioner is trying to use obstruction to the movement of trucks in the first floor as a ruse to avoid the license. In my view, unless the petitioner establishes his legal right to run the shop by complying with mandatory provisions of Section 21(1) of the Tamil Nadu Specified Commodities Markets (Regulation



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and Location) Act, 1996, he would have no locus to demand free movement of

the trucks in the first floor, where his shop is situate. I therefore find absolutely no merit in the writ petition.

7. In any event, the petitioner is given liberty to submit an application for license, to run the business/trade, to the 2nd respondent, within a period of two weeks, from the date of receipt of copy of this order. The 2nd respondent shall pass orders on the petitioner's application on merits, after affording opportunity of personnel hearing to the petitioner, within a period of six weeks thereafter, as per rules, and in accordance with law.

With the above directions, writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

16.06.2025

dsn

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Member Secretary,
Chennai Metropolitan Development Authority,

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N. MALA, J.

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