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W.A.No.4040 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2026

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.4040 of 2025

E. Durai
S/o. Late Ezhumalai Reddiar
No.8/1, 8th Street, K.K.Salai
Venkatapuram, Ambattur
Chennai – 600 053.

Appellant(s)

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.

Respondent(s)

Prayer : Appeal filed under Clause 15 of the Letters Patent seeking to set aside the order dated 16.06.2025 passed in W.P.No.31842 of 2014.



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For Appellant(s): Mr. K.V. Subramaniam
Senior Counsel
For Mr. M.A. Abdul Wahab

For Respondent(s): Mrs. P.Veena Suresh
Standing Counsel

JUDGMENT

(Judgment of the Court was delivered by
the Hon'ble Chief Justice)

The sole ground of challenge to the order passed by the learned Single Judge, affirming the notice impugned in the writ petition, as canvassed before us, is that the Store Management Committee, CMDA Complex, does not have the statutory power and authority under the Tamil Nadu Specified Commodities Markets (Regulation & Location) Act, 1996 to direct closure and sale of the shop on any allegation whatsoever.

2. Learned counsel for appellant submits the issue as to whether the power to lock and seal could be exercised by any authority, other than the local authority, is no longer *res integra* and stands concluded by a Full Bench judgment of this Court in the case



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of **S.Sasikumar v. Government of Tamil Nadu [W.A.No.2295**

of 2018 etc. dated 19.01.2021]. He would submit that on the face of the aforesaid decision, it was the local authority, who alone was competent under Section 2(5) of the Act and could have exercised the power and not the Market Committee, to lock and seal the premises for contravention of the provisions of the Act. This aspect was not appreciated in correct legal perspective by the learned Single Judge.

3. The only issue which arises for consideration is as to whether the authority, who issued notice, had competence and jurisdiction to exercise the statutory power of lock and seal.

4. The Full Bench judgment of this Court in the case of **S.Sasikumar v. Government of Tamil Nadu** (supra), after detailed consideration of the Scheme of the Act and various decisions in hand, finally concluded as below:

“18. Accordingly, we answer the reference in the following terms:

(i) The provisions of the Tamil Nadu Act 24 of 1996



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authorise the local authority as defined in Section 2(5) of the Act 24 of 1996 and not the market committee to lock and seal the premises for contravention of the provisions of the Act.

(ii) The local authority is empowered to factually determine whether the persons concerned are carrying on wholesale trade in the non-market areas. It is not necessary that this factual determination should be preceded by criminal prosecution as contemplated under Section 47 of the Act.”

5. It is, thus, clear that the provisions of the Tamil Nadu Act 24 of 1996 authorises the local authority, as defined under Section 2(5) of the Act and not the Market Committee to lock and seal the premises for contravention of the provisions of the Act. There is nothing in the aforesaid order to accept the submission of learned counsel for respondents that the aforesaid decision holds that the Market Committee is impliedly empowered to exercise that very power which is exercised by the local authority.

6. Though learned counsel for respondents prayed for some time to seek instruction as to whether any delegation is made or



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not, we cannot allow respondents to enter into roving enquiry. Had there been any delegation, it would have definitely been taken up as a defence in the counter affidavit. Though a detailed counter affidavit was filed, no plea of delegation of power was raised. Therefore, the dispute is required to be brought to its logical conclusion based on the pleadings of parties and the legal position as adumbrated herein above.

7. The notice impugned in the writ petition, therefore, is held to be without jurisdiction and authority of law. Accordingly, the order of the learned Single Judge is set aside and the notice impugned in the writ petition is quashed. However, prayer for issuance of Mandamus cannot be accepted, because, appellant does not hold any license in hand. Therefore, the discretionary relief in the nature of Mandamus, as sought, cannot be granted. To that extent, prayer is rejected.

8. Appeal is partly allowed. This order shall not come in the way of the competent authority in taking appropriate action on the



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allegation that appellant does not possess license. There shall be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
27.02.2026

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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