



WEB COPY



WP No.10296 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

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

WP No.10296 of 2023

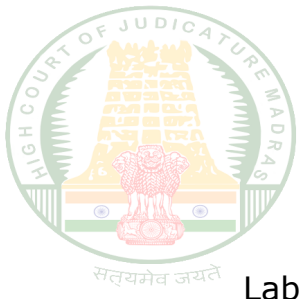
A.S.Shanmuga Rajan

: Petitioner

versus

- 1.Tamil Nadu Cricket Association
Rep. by its President
MA Chidambaram Stadium
Chepauk, Triplicane, Chennai 05
- 2.Board of Control for Cricket in India (BCCI)
Rep. by its President
4th Floor, Cricket Centre,
Wankhede Stadium, 'D' Road Churchgate
Mumbai Maharashtra 400 020
- 3.The Commissioner of Police
Chennai City 132 EVK Sampath Road
Vepery Periyamet Chennai 07
- 4.The Commissioner
Food, Civil Supplies, Consumer Protection
and price control Protection Department
Ezhilagam IV Floor Chepauk Chennai 5
- 5.The Joint Commissioner
Department of Legal Metrology

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Labour Welfare building
6th Floor, DMS complex,
Teynampet chennai 06

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent not to sell food by fixing high price to the products than actual fixed market price as contemplated in the Legal Metrology Act, 2019 and consequently direct the respondents 1 to 3 to consider the representation dated 23.03.2023 sent by the petitioner by providing all basic amenities viz. clean drinking water clean toilet facilities

For the Petitioner : Mr.S.Sarath Kumar

For respondents 1 & 2 : Mr.P.R.Raman,
Senior Counsel,
for Mr.C.Seethapathy

For Respondents 3 to 5 : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha, Spl.G.P.

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.S.Sarath Kumar, learned counsel for the petitioner, Mr.P.R.Raman, learned Senior Counsel for respondents 1 and 2 and Mr.P.Muthukumar, learned State Government Pleader, for respondents 3 to 5



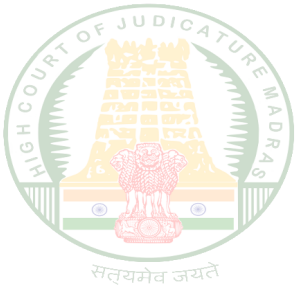
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2. The learned counsel for the petitioner submits that in the stadium of the first respondent, food products, beverages and water bottles are sold at a higher price. According to the learned counsel, pre-packaged products cannot be sold beyond the maximum retail price (MRP). The first respondent does not even give access to free water. Even coffee and snacks are sold at a much higher price. The same is not permissible. The petitioner has made a complaint to the authorities concerned but to no avail.

3. The learned Senior Counsel for respondents 1 and 2 submits that free water facility is provided at the first respondent stadium. Water bottles are not sold; instead, water is given in glass for safety and security reasons. Service charges are also permitted for such acts. The coffee vendor would sell coffee at a price. No MRP is fixed on the same.

4. Reliance is placed on the decision of the Apex Court in the case of *Federation of Hotel and Restaurant Associations of India vs. Union of India, 2018(2) SCC 97* and also in the case of *K.C. Cinema vs. State of Jammu and Kashmir, 2023 SCC Online SC 22*.



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5. The details of the items and their MRP are not submitted by the petitioner before the Court, to arrive at any conclusion.

6. The Apex Court has also observed with regard to the sale of water, over the MRP in hotels and restaurants, which according to the Apex Court, is permissible, as service element is also included.

7. In light of the above, no orders could be passed in the writ petition, more particularly in the absence of details.

8. In case, the petitioner has any remedy before any other authority, the petitioner is at liberty to approach the same.

9. With these observations, the writ petition is disposed of. There will be no order as to costs. Consequently, WMP No.10276 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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