

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 19.11.2015****CORAM:****THE HONOURABLE Mr.JUSTICE K.RAVICHANDRABAABU****W.P. (MD)No.20536 of 2015****and****M.P. (MD)No.1 of 2015****WEB COPY**

M.Gopinath

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Commissioner,
Madurai Corporation,
Madurai.

3.The Divisional Engineer,
Highways Department,
Construction & Maintenance,
Madurai - 2.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to renew the license bearing letter No.1791/2011-2 / JDO-2, dated 18.11.2011 granted in favour of the petitioner to run a petty shop at Madurai - Thondi road (SH-33) at Km 3/6 by considering his renewal application dated 12.10.2015.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.N.S.Karthikeyan, AGP for R1 & R3
Mr.N.Shanmugaselvan for R2**ORDER**

The petitioner seeks for a mandamus, directing the respondents to renew the licence bearing letter No.1791/2011-2 /JDO-2, dated 18.11.2011 granted in favour of the petitioner to run a petty shop at Madurai - Thondi road (SH-33) at km 3/6 based on his renewal application dated 12.10.2015.

2.Mr.N.S.Karthikeyan, learned Additional Government Pleader takes notice for the respondents 1 and 3 and Mr.N.Shanmugaselvan, learned counsel takes notice for the 2nd respondent. By consent, the Writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner, said to be a physically challenged person with 80% disability, was issued with licence to run a petty shop through license bearing letter No.1791/2011-2 /JDO-2 dated 18.11.2011. Admittedly, the license period was for one year and the petitioner did not make any application, seeking for renewal after its expiry. However, it is claimed that the petitioner is still running the said shop without any hindrance. Now, the petitioner is seeking for extension of the licence by making an application to the authorities concerned as stated supra.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned counsels appearing for the respondents submitted that for the purpose of widening the road, the respondents have to necessarily



take steps to remove the shops, which are in occupation on the edge of the road and in that process, the petitioner shop should also be removed and consequently, he cannot seek for renewal. On the other hand, it is submitted that the petitioner can make an application seeking to provide an alternative site and the same shall be considered and decided on merits.

5.The learned counsel appearing for the petitioner submitted that the petitioner will make such an application to the authorities concerned immediately.

6.Considering the above stated facts and circumstances and considering the fact that the license granted to the petitioner has expired even in the year 2012, the question of considering it for renewal does not arise more particularly, the respondents are intending to widen the road whereby, removing the shops located in the road margin.

7.However, as it is stated by the learned counsel appearing for the respondents that the request for alternative site will be considered, the petitioner is directed to make an application, seeking for provision of alternative site, within a period of two weeks from today and if any such application is made, the same shall be considered by the 1st respondent also by taking note of the fact that the petitioner is physically challenged person with 80% disability.

8.With the above directions and observations, the Writ petition is disposed of. No costs. Consequently, connected M.P.is closed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

1.The District Collector, Madurai District.

2.The Commissioner, Madurai Corporation, Madurai.

3.The Divisional Engineer, Highways Department,
Construction & Maintenance, Madurai - 2.

+one cc to Mr.S.C.Herald Singh, Advocate in SR.No.66228

+one cc to The Special Government Pleader in SR.No.66500

CSL/SKS-RR/SAR-II/04.12.2015

2P/6C

W.P. (MD) No.20536 of 2015
19.11.2015