

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 21-03-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5887 OF 2016
and
W.M.P.No.5244 of 2016

T.M.Abit Basha
Secretary Anna Fruit Vendors
Registered Association
Having office at No.98,
AA Fruit Merchant,
Old Bus Stand Backside,
Vellore, Vellore District.Petitioner

-vs-

- 1.The Mayor,
City Municipal Corporation,
Vellore-1.
- 2.The Commissioner,
City Municipal Corporation,
Vellore-1.
- 3.The Superintendent of Police,
Vellore District,
Vellore. Respondents

Petition under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, issuance of a writ of mandamus, directing respondents 1 and 2 to implement the assurance order Na.Ka.No.4878/2002/F3, dated 11.06.2002, by allotting 150 shops to the Members of the petitioner Association.

For petitioner : Mrs.D.Malarvizhi
For respondents 1 & 2 : Mrs.P.Shanthi

For respondent 3 : Mr.R.Rajeswaran,
Spl.Govt.Pleader.

O R D E R

Petitioner seeks for a direction to respondents 1 and 2 to implement the assurance order Na.Ka.No.4878/2002/F3, dated 11.06.2002, by allotting 150 shops to the Members of Association.

2. In the counter affidavit filed by the respondent Corporation, the following stand has been taken :

"5.....In case the petitioner's association members' name is found place in the above list, they will be considered for accommodation provided there is vacant stalls if available. The Corporation could not give any guarantee to the petitioner's association members in this regard..... The Corporation has no objection to get allotment of shops in the old fish market, provided the petitioner's association members names find place in the list. The petitioner's association has no right to command the Corporation to do to their favour."

3. In the light of the above stand taken by the respondent in the counter affidavit, it is open for the petitioner to submit a representation, giving names of all the members, to establish its claim, for being considered. As rightly pointed out in the counter affidavit, the petitioner association has no vested right to compel the respondent Corporation to allot a place, as demanded by it. However, the members have got a right of being considered, that too, only because of the above stand taken by the respondent Corporation in its counter affidavit.

4. Accordingly, this Writ Petition is disposed of, permitting the petitioner association to submit a fresh representation, which shall be considered by the second respondent, in terms of the counter, as above. No costs. Consequently, the connected W.M.P.No.5244 of 2016 is closed.

Sd/-

Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

dixit

To

1.The Mayor,
City Municipal Corporation,
Vellore-1.

2.The Commissioner,
City Municipal Corporation,
Vellore-1.

3.The Superintendent of Police,
Vellore District,
Vellore.

+1cc to Mr.P. Shanthi, Advocate, S.R.No.18011

+1cc to Mr.R. Margabandhu, Advocate, S.R.No.18584

+1cc to the Government Pleader, S.R.No.19092

KJI(CO)

EU(01/04/2016)

W.P.No.5887 OF 2016



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