



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.05.2016

CORAM:

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Writ Appeal (MD)No.864 of 2016

and

C.M.P. (MD)No.5166 of 2016

1.V.Senthilkumar
2.J.Joseph Dhanraj
3.S.Thirumalai

... Appellants/Petitioners

vs.

The Commissioner
Madurai Corporation
Madurai

... Respondent/Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 25.04.2016, passed in W.P.(MD) No.8051 of 2016, by this Court.

Prayer in WP(MD). 8051/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus directing the respondent to handover the shop Nos.11, 7 and 3 to the petitioner's respectively situated at Madurai Central Vegetable Market, Madurai with necessary superstructure and to permit the petitioner's to occupy the same.

For Appellants : Mrs.R.Meenakumari

For Respondent : Mr.J.Gunaseelan Muthiah
Govt. Advocate

J U D G M E N T

(Judgment of the Court was delivered by T.S.SIVAGNANAM,J.)

This writ appeal is directed against the Order, dated 25.04.2016, passed in W.P.(MD) No.8051 of 2016, by which the writ petition filed by the petitioners was dismissed.



2. The appellants sought for a direction upon the respondent Corporation to handover the Shop bearing Nos.11, 7 and 3 to them, which are situated in the Madurai Central Vegetable Market. The Writ Court noted that the period of lease itself was only for three years and the petitioners are guilty of delay and laches and therefore the writ petition cannot be entertained.

3. The reasons assigned by the Writ Court are perfectly valid and justified and calls for no interference in this appeal.

4. In the result, the writ appeal is dismissed.

5. At this juncture, the learned counsel for the appellants submitted that the appellants have paid security deposit for the said shops during 2010 and the same may be directed to be refunded. If the said submission is factually correct, the appellants are at liberty to file a representation before the respondent seeking refund of the same, which shall be considered in accordance with law. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To:
The Commissioner,
Madurai Corporation,
Madurai.

sm:GSV-PM:18.5.2016:2P/2C

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