



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.(MD) No.19290 of 2016

P.Kombiah

... Petitioner

-vs-

1. The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

2. The Assistant Commissioner,
Palayamkottai Ward,
Tirunelveli Municipal Corporation,
Tirunelveli.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 10.09.2016 given seeking auctioning of license by stopping the sale of fish without license.

For Petitioner	: Mr.H.Arumugam
For Respondents	: Mr.Aayiram K.Selvakumar Govt. Advocate

O R D E R

This writ petition has been filed, seeking to direct the respondents to consider the petitioner's representation dated 10.09.2016, seeking to issue licence by conducting auction and to stop the sale of fish without licence.

2. Heard the learned counsel on either side.

3. It is the case of the petitioner that the Tirunelveli City Municipal Corporation owns a vast extent of lands and earmarked some of the lands for vegetable markets, fish markets and cattle markets etc.; that the respondents are also issuing license for selling eatables in the roadsides and other vacant sites as per Section 95 of the Coimbatore City Municipal Corporation Act, 1981 and in accordance with G.O.Ms.No.78 for a period of three years; that there is a vacant space available on the 26th Cross Street near the



Corporation owned marriage hall at Maharaja Nagar; that though the respondents have not let out the said place to anyone, some individuals have been using the same for selling fish in the name of Bay Fish Stall; that Section 391 of the Coimbatore City Municipal Corporation Act, 1981, which is applicable to the Tirunelveli City Municipal Corporation by virtue of Section 8 of the Tirunelveli City Municipal Corporation Act, 1994, empowers the 1st respondent to levy fees and issue license to carry on trade and sale of fish etc., and moreover, Section 392 of the Act prohibits sale of the above in public streets without any authority; that the petitioner in this regard has sent a representation to the respondents dated 10.09.2016 either to issue license by conducting auction or stop the illegal sale being carried out without license and since the said representation did not evoke any response, the petitioner is before this Court seeking the relief stated supra.

4. Learned counsel appearing for the respondents would submit that it is agreeable for the respondents to consider the representation dated 10.09.2016 submitted by the petitioner and to pass orders thereon within a reasonable time frame.

5. Under such circumstances, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the representation of the petitioner dated 10.09.2016 and to pass orders on the same on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, this petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.
2. The Assistant Commissioner,
Palayamkottai Ward,
Tirunelveli Municipal Corporation,
Tirunelveli.

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IE/RM : 14/12/2016 : 2P/3C

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