



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P (MD) No.21236 of 2016

The Sunset Bazaar Viyabarikal Nala Sangam,
Represented by its Secretary,
V.Thangasamy, S/o.Vincent,
17/17E, Seluvai Nagar,
Kanyakumari,
Kanyakumari District-629 702.

... Petitioner

-vs-

1. The District Collector,
Kanyakumari,
Kanyakumari District.
2. The Executive Officer,
Kanyakumari Town Panchayat,
Kanyakumari.

... 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 follow and implement the conditions and terms of license detailed in the notice dated 08.10.2016 in Na.Ka.No.535/2016/A2, by considering the petitioner's representation dated 26.10.2016.

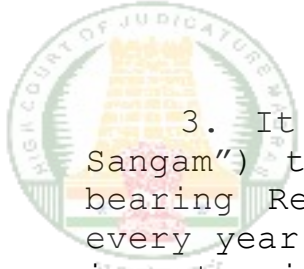
For Petitioner : Mrs.S.Srimathy

For Respondents : Mr.M.Murugan
Govt. Advocate

O R D E R

This writ petition has been filed, seeking to direct the respondents to follow and implement the conditions and terms of license detailed in the notice dated 08.10.2016 in Na.Ka.No.535/2016/A2, by considering the petitioner's representation dated 26.10.2016.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.



3. It is the case of the petitioner Sangam (in short "the Sangam") that it has 20 members and is a registered Association bearing Reg.No.70 of 2007; that there is a festive season for every year from November to January in Kanyakumari District, which is a tourist spot; that during the festive season, the respondents used to conduct auction cum tender and allow the successful bidder to run shops situated in the floor; that the shops are absolutely temporary and after expiry of lease period, floor shop has to be vacated; that during the previous year, when the floor shop (Tharaikadai) was let out for lease, the persons, who took the property on lease, put up roof, occupied more space, encroached the frontage and thereby blocked the road space also; that the Sangam has sent a representation dated 26.10.2016 to the 1st respondent alleging violation of the lease conditions and causing disturbance to the members of the Sangam, who have also been paying fees to the municipality.

4. Learned Government Advocate would submit that no representation has been sent to the 2nd respondent, who is the competent authority to consider the grievance of the petitioner and in the event of the petitioner submitting a representation to the 2nd respondent, the same will be considered by the 2nd respondent within a reasonable time.

5. Under such circumstances, the 1st respondent is directed to forward the representation dated 26.10.2016 given by the Sangam to the 2nd respondent for consideration. In the meanwhile, the petitioner Sangam is also permitted to forward a copy of the representation dated 26.10.2016 directly to the 2nd respondent within a period of one week from the date of receipt of a copy of this order. On receipt of the representation either from the 1st respondent or from the petitioner, the 2nd respondent shall consider the same and pass orders on merits and in accordance with law within a period of three weeks thereafter.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

ar

To:

1. The District Collector,
Kanyakumari District.



2. The Executive Officer,
Kanyakumari Town Panchayat,
Kanyakumari.

WEB COPY

+1cc to Mr.S.M.S.Johnny Basha, Advocate Sr.No. 65920

+1cc to Spl.Government Pleader Sr.No. 66296

Jam/17.02.17 /PM-PN/3p-5c

W.P (MD) No.21236 of 2016
04.11.2016