



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.04.2016

CORAM

THE HONOURBLE MR.JUSTICE B.RAJENDRAN

W.P(MD) .No.6800 of 2016

and

W.M.P. (MD) .Nos.5853 and 5854 of 2016

Vaigai Palacommission
Vanigargal Nalasangam,
Reg.No.16/2016,
rep.by its Secretary,
D.Thangapandi,
KFC Fruit Commission Shop,
Yanaikal, Madurai-625 001

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
rep.by its Principal Secretary to Government,
Department of Municipal and Administration and Water Supply,
Secretariat, Chennai-9.
- 2.The Commissioner,
Madurai Corporation,
Arignar Anna Maaligai,
Alagarkovil Main Road,
Madurai.
- 3.The Chief Planning Officer,
Town Planning Section,
Madurai Corporation,
Arignar Anna Maaligai,
Alagarkovil Main Road,
Madurai.
- 4.Madurai Pazha Commission Vanigargal Sangam,
(Reg.No.31/1982),
rep.by its President,
No.131, North Marrat Street,
Near Simakkal, Madurai-1
- 5.Simmakkal Pazhakkadai
Motha Viyabarigal Sangam,
(Reg.No.79/2008),
rep.by its Secretary,
No.175, North Masi Street,
Near Yanaikal, Madurai-1.

... Respondents



Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the second respondent to allot the 51 Fruit Shops to the Members of the Petitioners Society at the newly constructed Whole Sale Fruit Market Near Mattuthavani, Madurai by following a fair method of allotment.

For petitioner : Mr.T.Lajapathi Roy
 For R.1 : Mr.K.Guru
 Additional Government Pleader
 For R.2&3 : Mr.R.Murali

ORDER

This Writ Petition has been filed praying for a Writ of Mandamus directing the second respondent to allot 51 Fruit Shops to the Members of the Petitioners Society at the newly constructed Whole Sale Fruit Market Near Mattuthavani, Madurai by following a fair method of allotment.

2. The case of the petitioner association is that they are a newly formed Society registered in the year 2016. The members of the Society are conducting the fruit vending business in and around the area of Madurai. The Madurai Corporation has put up new constructions near Mattuthavani Busstand to shift the fruit market from Simmakal to Mattuthavani for free flow of traffic. Right now, the Madurai Corporation is in the process of identifying and selecting the vendors. The apprehension of the petitioner is that they may be eliminated in the zone of consideration though very similarly placed persons who are already doing business may be given to these shops. Now, his limited prayer is that the representation of the petitioner association may also be considered in accordance with law.

3. At this juncture, the learned counsel for the petitioner fairly submitted that he is even ready to forgo the first part of the prayer, namely, allotting 51 shops to the Members of the petitioners. What all he wants is to have a fair method of allotment through auction process in order to augment the revenue of the Corporation. The submission of the learned counsel for the petitioner is recorded.

4. The learned counsel for the official respondents submitted that since an election is scheduled, auction is not going to be conducted shortly. Further, this Writ Petition is not maintainable as it is filed by an association. Secondly, they are in the process of identifying the traders and shifting the fruit market situate at Simmkal in order to ease the traffic for the service to the public. The process of deciding the issue is only at the preliminary stage. In any event, it will be done in accordance with law. In the meanwhile, they will also consider the



representation of the petitioner association dated 04.03.2016 on merits and in accordance with law.

5. Heard the submissions made on either side and perused the materials available on record.

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6. In view of the limited prayer that the petitioner association wants to conduct the auction through a fair method of allotment and the official respondents may not have much objection in going for public auction, which they are expected to do so, the second respondent shall consider the representation of the petitioner association dated 04.03.2016, on merits and in accordance with law, and pass appropriate orders, as expeditiously as possible only to the limited extent as reiterated by the petitioner regarding the fair method of allotment only.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Department of Municipal and Administration and Water Supply,
Secretariat, Chennai-9.
 2. The Commissioner,
Madurai Corporation,
Arignar Anna Maaligai,
Alagarkovil Main Road,
Madurai.
 3. The Chief Planning Officer,
Town Planning Section,
Madurai Corporation,
Arignar Anna Maaligai,
Alagarkovil Main Road,
Madurai.
- + 1 CC TO MR.T.LAJAPATHI ROY, ADVOCATE IN SR NO. 19539
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO.19981
+ 1 CC TO MR.R.MURALI, ADVOCATE IN SR No. 19720

SSM