



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.03.2017

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P. (MD) No.2998 of 2014
and
M.P (MD) Nos.1 and 2 of 2014

R.Samuvel Nadar

... Petitioner

Vs.

1. The Commissioner,
Madurai Corporation, Madurai.

2. M.Pappu

... Respondents

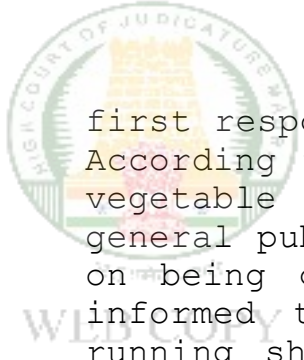
Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari and Mandamus to call for the records pertaining to the impugned order passed by the first respondent vide Ma.Va.4/011794/13 dated 25.09.2013 and quash the same and consequently direct the second respondent to vacate the pathway situated adjacent to shop No.241 at Mattuthavani Central Vegetable Market.

For Petitioner : Mr.A.Srinivasan
For Respondent : Mr.R.Murugali (for R1)
Mr.Jeyaramachandran (for R2)

ORDER

This writ petition has been filed by the petitioner challenging the impugned order passed by the first respondent vide Ma.Va.4/011794/13 dated 25.09.2013 and consequently seeking for a direction to the second respondent to vacate the pathway situated adjacent to shop No.241 at Mattuthavani Central Vegetable Market.

2. According to the petitioner, he has been running a vegetable shop selling vegetables on retail basis, at the old Central Market (East Chithirai Street Junction), near Sri Meenakshi Temple, for the past several years. While so, the said market has been shifted to the present place at Mattuthavani in the year 2010 and the petitioner was granted a license for a shop and allotted shop No.241 to an extent of 13.6 x 13.6 sq.ft at Mattuthavani New Central Market. A number of conditions had been imposed on the petitioner, after fulfilment of the conditions, has been granted license and has been running the same without any deviation from the conditions imposed by the



first respondent. He is also paying the rent without any arrears. According to the petitioner, the second respondent, who is also a vegetable seller, has started using the pathway used by the general public adjacent to the shop allotted to the petitioner and on being questioned about the same, the second respondent also informed the petitioner that he was also granted license for running shop by the first respondent by order dated 25.09.2013. Since the petitioner has been doing the same business and being allotted a license by the first respondent and the location of the 2nd respondent is very adjacent to the shop allotted to the petitioner, he has approached this Court seeking the relief as stated supra.

3.The learned counsel for the first respondent submitted that the present arrangement is only a stop-gap arrangement and the second respondent would be granted regular shop in the market and he requested reasonable time for relocation of the second respondent in the regular place.

4.The learned counsel for the petitioner would submit that he has no issue with regard to the allotment of any regular shop to the second respondent. But his objection is only that the petitioner cannot be allowed to operate his place in the pathway to be used by the general public thereby causing inconvenience to all the shoppers.

5.Heard both sides.

6.In view of the submissions made on behalf of the first respondent that the location of the second respondent adjacent to the shops allotted to the petitioner is only temporary, in the fitness of things, it would be suffice for the present, to direct the first respondent to relocate the second respondent by allotting a regular shop as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

The Commissioner,
Madurai Corporation,
Madurai.

WEB COPY

+1cc to M/S.A.JAYARAMACHANRAN, Advocate SR.No.18886
+1cc to M/S.A.SRINIVASAN, Advocate SR.No.1873
+1cc to M/S.R.MURALI, Advocate SR.No.18709

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JM/RR/SAR 4/19.04.2017/3P/5C