



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P(MD)No. 16439 of 2017

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S.Jeganathan

.. Petitioner

Vs.

The Commissioner,
Madurai Corporation,
Madurai.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to provide alternate vacant site to construct the vegetable Shop No.535 at Central Vegetable Market at Mattuthavani Main Road at Madurai by considering the representation of the petitioner dated 26.07.2017.

For Petitioner : Mr.M.Jegadeesh Pandian
For Respondent : Mr.J.Gunaseelan Muthiah,
Government Advocate

ORDER

This writ petition has been filed by the petitioner, seeking a writ of Mandamus, to direct the respondent to provide an alternate vacant site to construct the vegetable Shop No.535 at Central Vegetable Market, Mattuthavani Main Road, Madurai, by considering his representation dated 26.07.2017.

2.According to the petitioner, pursuant to the resolution of the respondent to construct 12 shops in the market in question, an auction was conducted on 25.07.2011, vide which, the petitioner was allotted with Shop No.535. Thereafter, the respondent constructed and handed over nine shops (Shop Nos. 525 to 533) to the respective parties and three more shops are yet to be constructed. The case of the petitioner is that the place, which was meant for his shop (Shop No.535), was being used as a pathway for accessing the other shops and therefore, he submitted a representation on 26.07.2017, to the respondent, seeking alternative vacant site to construct the shop. As the same is kept pending, without any action, the petitioner is before this Court.

3.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.



4.The learned Counsel for the petitioner submitted that it would be suffice if the representation of the petitioner dated 26.07.2017, is disposed of, by the respondent, on merits and in accordance with law, within a time frame to be fixed by this Court.

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5.Considering the limited scope of the relief sought for, this Court, without expressing any opinion on the merits of the petitioner's claim, directs the respondent to consider the representation of the petitioner dated 26.07.2017 and pass appropriate orders, on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

The Commissioner,
Madurai Corporation, Madurai.

+1cc to M/S.M.JEGADEESH PANDIAN, Advocate SR.No.77522
+1cc to M/S.J.GUNASEELAN MUTHIAH, Advocate SR.No.77107
+1cc to Special Government Pleader, SR.No. 77633

gk

MAS/KP/SAR3:21.09.2017:2P-5C

**ORDER MADE IN
W.P(MD)No.16439 of 2017
07.09.2017**