



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.20524 of 2017

and

W.M.P (MD) Nos.16815 and 16816 of 2017

A.Maidheen

.. Petitioner

Vs.

1. The Commissioner,
Madurai Corporation,
Madurai.

2. The General Manager,
Madurai District Milk Producers Co-operative
Society (Aavin), Madurai - 20.

3.D.Rajaram

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the first respondent bearing No.Ma.Va.3/032082/17, dated 27.10.2017 and quash the same as illegal and consequently direct the respondents 1 and 2 to restore the Aavin parlour shop No.127 at Vakkil New Street, Vadakku Perumal Mesthri Street, Old Chokkanathar Temple Street, Madurai, in favour of the petitioner.

For Petitioner : Mr.R.Shankar Ganesh

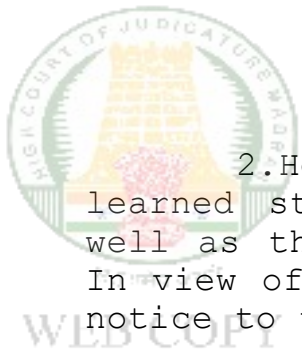
For Respondent No.1 : Mr.T.S.Mohammed Mohideen,
Standing Counsel for Madurai Corporation.

For Respondent No.2 : Mr.M.Murugan

R.3 - Dispensed with.

ORDER

This writ petition has been filed seeking a writ of Certiorarified Mandamus to quash the impugned order of the first respondent bearing No.Ma.Va.3/032082/17, dated 27.10.2017 and direct the respondents 1 and 2 to restore the Aavin Parlour Shop No.127 at Vakkil New Street, Vadakku Perumal Mesthri Street, Old Chokkanathar Temple Street, Madurai, in favour of the petitioner.



2. Heard the learned counsel appearing for the petitioner, learned standing counsel appearing for the first respondent as well as the learned counsel appearing for the second respondent. In view of the nature of the relief sought for by the petitioner, notice to the third respondent is dispensed with.

3. The case of the petitioner is that Aavin Parlour Shop No.127 was allocated to the petitioner by the second respondent, vide proceedings, dated 30.04.2013 and he is running the same at Vakkil New Street, Vadakku Perumal Mesthri Street, Old Chokkanathar Temple Street, Madurai. While so, the second respondent, passed the impugned order dated 27.10.2017, directing to remove his shop, due to the demolition work of the third respondent's house, which is adjacent to the shop of the petitioner and accordingly, his shop was removed. According to the petitioner, without allocating any alternative place, the impugned order has been passed. Therefore, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner would submit that the petitioner must be provided with an alternative place so as to run his Aavin Parlour Shop and to that extent, he seeks indulgence of this Court, to permit him to file necessary application, seeking alternative place, before second respondent, for which, the learned counsel appearing for the respondents 1 and 2, have no serious objection.

5. In such view of the matter, this Court permits the petitioner to file necessary application for alternative place so as to run his Aavin Parlour Shop, before the second respondent, before 05.00 p.m. on 07.12.2017 and on such filing, the second respondent is directed to forward the same to the first respondent and on receipt of the same, the first respondent is directed to consider the same and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, as early as possible.

6. The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar



To

1. The Commissioner,
Madurai Corporation,
Madurai.

2. The General Manager,
Madurai District Milk Producers Co-operative
Society (Aavin), Madurai - 20.

+1cc to M/s.R.Shankar Ganesh, Advocate, in SR No.91188

+1cc to M/s.T.S.Mohammed Mohideen, Advocate, in SR No.91279

ORDER MADE IN
W.P (MD) No.20524 of 2017
and

W.M.P (MD) Nos.16815 and 16816 of 2017

smn

AM-SV-MMS-SAR 4/6.12.2017/3P-5C