



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2017

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P (MD) No.12987 of 2016

and

WMP (MD) No.9800 of 2016

A.Karuppandi

..Petitioner

Vs

The Madurai Corporation
Rep by the Commissioner,
Madurai Corporation
Madurai City,
Madurai-2.

..Respondent

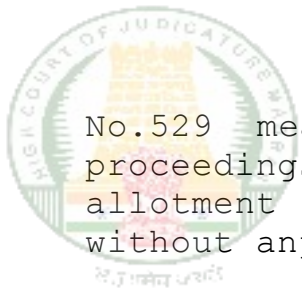
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in mava2/014873/14 dated 16.04.2016 on the file of the respondent and quash the same as illegal and consequently for a direction, directing the respondent to issue permission to the petitioner to shift the shop No.529 from Central Market, Mattuthavani to either in Mattuthavani bus stand or in New Omni Bus Stand at Mattuthavani or any other prominent place for business within the stipulated time.

For Petitioner	: Mr.T.Ashwin Rajasimman
For Respondent	: Mr.R.Murali

O R D E R

The Petitioner has approached this Court to call for the records pertaining to the impugned order in mava2/014873/14 dated 16.04.2016 on the file of the respondent and quash the same as illegal and consequently for a direction, directing the respondent to issue permission to the petitioner to shift the shop No.529 from Central Market, Mattuthavani to either in Mattuthavani bus stand or in New Omni Bus Stand at Mattuthavani or any other prominent place for business within the stipulated time.

2. According to the petitioner, he participated in the public auction for Tharaikadai at Central Market, Mattuthavani by depositing a sum of Rs.50,000/- as non-refundable deposit. On being successful in his bid, the petitioner was allotted shop



No.529 measuring 8' * 8' for monthly rent of Rs.750/- by proceedings of the Corporation dated 15.10.2010. Since the allotment of the petitioner, he is paying the rent regularly without any default.

3. According to the petitioner, his vegetable vending business had not been doing well, in view of a new private vegetable market was opened at Paravai. In the circumstances, the petitioner had made several requests to the respondent Corporation to shift the business to any other place either in Flower Market or in New Omni Bus Stand, Mattuthavani, in order to enable him to do business for his livelihood. Since his request was not considered, the petitioner has filed a writ petition in W.P.(MD).No.18233 of 2013 seeking a direction to grant alternative place in the New Omni Bus Stand Complex by considering the petitioner's representation dated 28.10.2013. The above said writ petition was disposed of on 24.03.2014 by directing the respondent to consider the petitioner's representation dated 28.10.2013 on merits within a period of four weeks. By rejecting the claim of the petitioner, the respondent Corporation has now passed impugned order dated 16.04.2016, which has been challenged by the petitioner in the present writ petition.

4. According to the learned counsel for the petitioner, several persons, who have made similar requests, were accommodated in the alternative place, but, only the petitioner's request has not been considered favorably. Therefore, he would submit that the petitioner has been discriminated in the matter of allotment of alternative place for doing his business, when such a request by similar persons was considered favorably.

5. The learned counsel appearing for the Corporation submits that if the petitioner would substantiate his claim with materials to the Corporation, his request would be reconsidered on merits, on the basis of materials produced by the petitioner.

6. In such view of the matter, the writ petition is disposed of with a direction to the respondent Corporation to re-consider the petitioner's request on the basis of materials to be produced by the petitioner requesting for allotment of alternative place for enabling him to do his business, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(C)

/True Copy/



To

The Commissioner,
Madurai Corporation
Madurai City,
Madurai-2.

+1 cc to Mr.T.Lajapathi Roy, Advocate, SR.No.51403

+1 cc to Mr.R.Murali, Advocate, SR.No. 51293

W.P(MD)No.12987 of 2016
10.04.2017

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