



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.08.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3560 of 2017
and
W.M.P(MD)No.2866 of 2017
and
W.M.P.11098 of 2017

G.Murugan

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Executive Officer,
(Municipality),
Kalakkadu Municipality,
Kalakkadu, Tirunelveli District.

3.The Inspector of Police,
Kalakkadu Police Station,
Kalakkadu, Tirunelveli District.

4.A.S.A.Karunakran

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to take appropriate action against the unlicensed private market running at the Kallakadu Village, Tirunelveli District based on the petitioner's representation dated 14.02.2017 under the Tamil Nadu District Municipality Act.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.D.Muruganandam, GP for R2

Mr.P.Krishnaveni, Senior Counsel for
Mr.M.Ananthamurugan for R4

Prop. Impleading party



O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

This writ petition has been filed for directing the Official respondents to take action against the fourth respondent for running an unlicensed private market at Kallakadu village, Tirunelveli District.

2.The writ petitioner submitted a representation dated 14.02.2017 in this regard. Since no action was taken this writ petition came to be filed.

3.Heard the learned counsel for the parties.

4.The second respondent Municipality submitted a Counter Affidavit pointing out that the 4th respondent has been allowed to run 11 shops in the premises in dispute. Licenses have been issued in favour of the 11 persons. The 4th respondent had indicated them as his tenants in his premises. Heard the learned Senior Counsel for the 4th respondent.

5.The learned Standing Counsel submitted that the 4th respondent would not be permitted to run any private market without obtaining license from the local body. The writ petitioner himself is a street vendor. In view of the compliance report filed by the second respondent before this Court, there is no need to adjudicate the matter further. However, the second respondent is directed to ensure that the 4th respondent does not run a market in the premises in question without license. The second respondent shall also ensure that only those who are having licenses are allowed to carry on their business in their respective shops or in the marked portions.

6.With this direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector, Tirunelveli District, Tirunelveli.

2.The Executive Officer, (Municipality),
Kalakkadu Municipality, Kalakkadu, Tirunelveli District.

3.The Inspector of Police, Kalakkadu Police Station,
Kalakkadu, Tirunelveli District.

+One cc to Mr.M.Ananthamurugan, Advocate, SR.No.73641

+One cc to The Special Government Pleader, SR.No.74227

+One cc to Mr.S.Krishnan, Advocate, SR.No.74148