



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2017

CORAM

THE HON'BLE MR.JUSTICE A.SELVAM
and
THE HON'BLE MR.JUSTICE N.AUTHINATHAN

W.P(MD) No.25065 of 2016

D.Murugesan

... Petitioner

-vs-

1. The District Collector,
Sivagangai,
Sivagangai District.
2. The Assistant Director,
Town Panchayats,
Sivagangai & District.
3. The Executive Officer,
Thiruppathur Selection Grade
Town Panchayat,
Thiruppathur,
Sivagangai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from putting up any construction in Saturday Weekly Market of Thirupathur Town in S.F.No.417/1, Sivagangai District.

For Petitioner : Mr.K.Baalasundharam
For RR - 1 & 2 : Mr.M.Govindan
Special Government Pleader

For R3 : Mr.R.Velmurugan

O R D E R

[Order of the Court was made by A.SELVAM, J.]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to forbear the respondents from putting up any construction in Saturday weekly market, Thiruppathur Town in S.F.No.417/1, Sivagangai District by way of



issuing a Writ of Mandamus.

2.The learned counsel appearing for the petitioner has contended that the petitioner is a member of a merchant association. In S.F.No.417/1, already so many markets are available and by way of putting up new construction, scarcity of open place would arise. Under the said circumstances, the present Writ Petition has been filed.

3.The learned Special Government Pleader appearing for the respondents 1 and 2 has contended to the effect that S.F.No.417/1, Thiruppathur Town, is the absolute property of the third respondent and now the third respondent, for the benefit of sellers and buyers, has decided to put up new construction. Under the said circumstances, the relief sought in the Writ Petition cannot be granted.

4.The learned counsel appearing for the third respondent has also advanced a similar argument as advanced on the side of the respondents 1 and 2.

5.It is an admitted fact that S.F.No.417/1 is the absolute property of the third respondent, wherein Saturday weekly market is functioning. Now the third respondent is going to put up construction so as to augment its income and also to give more benefits to the general public.

6.The main grievance expressed on the side of the petitioner is that by way of putting up new construction, the extent of open space will be reduced.

7.Considering the contention put forth on the side of the petitioner and also considering the object of the third respondent, this Court is of the view that the contention put forth on the side of the petitioner cannot be accepted and further, as rightly pointed out on the side of the respondents, S.F.No.417/1 is the absolute property of the third respondent and the third respondent is having absolute right to use the same for the benefit of general public and therefore, the present Writ Petition deserves to be dismissed.

8.In fine, this Writ Petition is dismissed without cost. Consequently, WMP(MD)No.18139 of 2016 is closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/



To

1. The District Collector,
Sivagangai,
Sivagangai District.
2. The Assistant Director,
Town Panchayats,
Sivagangai & District.
3. The Executive Officer,
Thiruppathur Selection Grade
Town Panchayat,
Thiruppathur,
Sivagangai District.

+ 1 CC TO Mr.R.VELMURUGAN, ADVOCATE IN SR No. 15038
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 15063

MJ

TE/RR : 27/03/2017 : 3P/6C

W.P (MD) No.25065 of 2016
15.03.2017