



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) No.913 of 2013
and
M.P. (MD) Nos.1, 2 & 3 of 2013
and WP(MD)No.6927 of 2013

Dindigul Gandhi Market
Kaikani Viyabarigal Sangangalin Kootamaipu
Rep. by its President
Reg.No.420/2003, Gandhi Market, Dindigul ... Appellant/Petitioner

-vs-

1.The commissioner of Municipalities
Ezhilagam, Chennai - 600 005

2.The District Collector
Dindigul District, Dindigul

3.The Commissioner
Dindigul Municipality, Dindigul ... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 25.04.2013 in W.P.(MD).No.6927 of 2013, on the file of this Court.

Prayer in WP(MD)No.6927 of 2013:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus or any other Writ or order or direction of a like nature forbearing the respondents from shifting the vegetable market which is situated at Gandhi Maithanam, Dindigul to larry pettai, dindigul by considering the representation of the petitioner dated 08.04.2013.

For Appellant : Mr.K.A.Thirumalaiappan

For Respondents : Mr.V.R.Shanmuganathan

J U D G M E N T

[Judgment of the Court by T.S.SIVAGNANAM, J.]

Heard Mr.K.A.Thirumalaiappan, learned counsel appearing for the appellant and Mr.V.R.Shanmuganathan, learned Special Government Pleader, who accepts notice on behalf of the respondents.

2. This writ appeal has been filed challenging the order, dated 25.04.2013 made in W.P.(MD).No.6927 of 2013, which was filed to direct the respondents not to shift the vegetable market situated at Gandhi Maithanam, Dindigul to Lorry Pettai, Dindigul, and the same was dismissed by the impugned order, after taking into consideration the factual position as well as the legal position enunciated by the Honourable Supreme Court in *Md.Murtaza vs. State of Assam*, reported in 2011 (9) Scale 536.

3. The record of the proceedings shows that notice was not ordered to the respondents and the matter was merely adjourned by one week on 27.08.2013. Thereafter, no steps have been taken by the appellant to move the appeal. Thus, at this distance of time, we do not propose to entertain this appeal as we find that the reasons assigned by the Writ Court are proper and valid.

4. With the above observations this writ appeal is dismissed. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To:

1.The commissioner of Municipalities,
Ezhilagam, Chennai - 600 005.

2.The District Collector,
Dindigul District, Dindigul.

3.The Commissioner,
Dindigul Municipality, Dindigul.

+One cc to Mr.K.A.Thirumalaiappan, Advocate, SR.No.58767

+One cc to The Special Government Pleader, SR.No.59249

ia/krk

RL/6C/2P/JC/SAR2/13.6.2017

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W.A. (MD) No.913 of 2013

and

M.P. (MD) Nos.1, 2 & 3 of 2013

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