

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 12.07.2017

CORAM:

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

W.P (MD) No.11010 of 2013
and
M.P (MD) Nos.1 to 3 of 2013

K.Palanichamy

...Petitioner

Vs.

Madurai Corporation,
Represented by the Commissioner,
Madurai.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in MaVa3/00185/2012 dated 06.2013 on the file of the respondent and quash the same as illegal and consequently to direct the respondent to make allotment of lease of the petitioner's Tiffin Stall measuring 20 * 21 Sq ft located on the Western side entrance of the New Central Market in Mattuthavani on Melur Road, Madurai-20 to the petitioner.

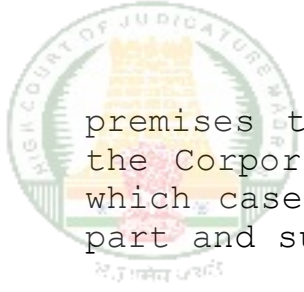
For petitioner	: Mr.T.Lajapathi Roy.
For Respondent	: Mr.T.S.Mohammed Mohideen, Additional Government Pleader.

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The eviction notice issued by the Madurai Corporation is under challenge in this writ petition, primarily on the ground that he has been a licensee of the stall for a considerable period.

2. The learned Counsel for the petitioner submitted that the petitioner is prepared to surrender vacant possession of the



premises to the Corporation. According to the learned Counsel, the Corporation should be directed to initiate public auction, in which case, it would be possible for the petitioner also to take part and submit his bid.

3. The learned Standing Counsel for the Madurai Corporation on instructions submitted that in case, the Corporation takes a decision to auction the stall in question, it is open to the petitioner to take part by quoting his rate.

4. We direct the petitioner to surrender vacant possession of the building to the Corporation on or before 04.09.2017. The Commissioner, Madurai Corporation is directed to take a decision as to whether the stall should be auctioned. In case of taking a decision to auction the shop, necessarily wide publicity should be given. The petitioner should also be given an opportunity to take part in the auction proceedings. We make it clear that the Commissioner shall adopt a transparent method, for granting the privilege.

5. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar

To:

The Commissioner,
Madurai Corporation,
Madurai.

+1cc to M/S. T.LAJAPATHI ROY, Advocate, SR.No.65054.

+1cc to M/S. T.S.MOHAMED MOHIDEEN, Advocate, SR.No.65174.

ORDER MADE IN
W.P(MD)No.11010 of 2013
and
M.P(MD)Nos.1 to 3 of 2013
12.07.2017

rj2/psd/tsg

<https://hcsdcs.southindia.org.in/4/21/07.2017/2P/4C>