



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2018

CORAM :

THE HONOURABLE MR. JUSTICE V. BHARATHIDASANWP (MD) No.3149 of 2018

WEB COPY

M.Saravanan

... Petitioner

Vs.

The Commissioner,
Thuraiyur Municipality,
Thuraiyur,
Trichy District.

... Respondent

Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus directing the respondent to permit the petitioner to run small tea shop at Anna bus stand Thuraiyur Municipality, Trichy District till the completion of new building in the light of the petitioner's representation dated 10.01.2018.

For Petitioner	: Mr.R.Pon Karthikeyan
For Respondent	: Mr.M.Rajarajan
	Government Advocate

ORDER

This writ petition has been filed seeking direction to respondent to permit the petitioner to run small tea shop at Anna bus stand Thuraiyur Municipality, Trichy District, till the completion of new building, in the light of the petitioner's representation dated 10.01.2018.

2.The petitioner claims to be the licensee to run a shop in the respondent Municipality and the licence period is valid upto 31.03.2018. Since the shops are in a dilapidated condition, the respondent wants to demolish the same and directed the petitioner and others to vacate the premises. Challenging the same, the petitioner and others have filed WP(MD)Nos.18302 to 18305 of 2017 on the file of this Court and this Court, by the order dated 10.10.2017 has passed the following order:

"8.Considering the facts and circumstances of the case as well as the submissions of the learned Standing Counsel, this Court is inclined to issue the following directions:

i)all the petitioners are directed to vacate and hand over the premises, forthwith.

ii)the respondent, as agreed, is directed to provide alternative shops for the petitioners in W.P (MD)Nos.18302 & 18303 of 2017 up to 31.03.2018 and



thereafter, it is for the respondent to conduct auction, in the manner known to law.

iii) insofar as the petitioners in other two writ petitions are concerned, the respondent is directed to consider the claim of the petitioners, for the remaining lease period, after completion of the proposed construction, on merits and in accordance with law.

3. According to the petitioner, the respondent did not construct any new building and he has also not provided any accommodation to the petitioner. In the above circumstances, the petitioner has put up a temporary structure inside the bus stand and running a tea stall and he has also made a representation on 10.01.2018 to the respondent to permit him to run the tea shop till construction of new building is over. But the same has not been considered so far. Hence, this writ petition has been filed.

4. Considering the above facts and circumstances, the respondent is directed to consider the petitioner's representation dated 10.01.2018 and pass appropriate orders on merits and in accordance with law.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

The Commissioner,
Thuraiyur Municipality,
Thuraiyur,
Trichy District.

+One cc to Mr.R.Ponkarthikeyan, Advocate, SR.No.48870

+One cc to M/s.M.Rajarajan, Advocate, SR.No.48967

mj

RL/4C/2P/CVC/SAR2/26/2/2018

WP(MD)No.3149 of 2018