



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.8963 of 2018

WEB COPY

K.Backiya Thevar

... Petitioner

vs.

The Commissioner,
Madurai Corporation,
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to grant license to the petitioner for establishing a private market in his land situated in Resurvey No.4/7, 4/7A, 4/7B in Ayanpappakudi Village, Madurai South Taluk, Madurai District within the time period stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For Respondent : Mr.R.Prabhu Rama Chandran

Standing Counsel for Madurai Corporation

O R D E R

Mr.R.Prabhu Rama Chandran, learned Standing Counsel, takes notice for the respondent.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that his representation dated 13.04.2018 seeking to grant a license to him for establishing a private market in his land comprised in Resurvey No.4/7, 4/7A, 4/7B in Ayanpappakudi Village, Madurai South Taluk, Madurai District, has not been considered by the respondent till date and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct the respondents to consider the petitioner's representation within a stipulated time.



5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the respondent to consider the petitioner's representation dated 13.04.2018 on its own merits and take further action in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the persons who may be interested in the subject matter.

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

Sd/
Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

+1cc to Mr.R.Prabhu Ramachandran, Advocate, SR.No.62794
+1cc to Mr.T.Lajapathi Roy, Advocate, SR.No.62918

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