



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.15096 of 2018

and

W.M.P. (MD) .No.13673 of 2018

WEB COPY

K.Valivittan

... Petitioner

vs.

1. The Commissioner,
Madurai Corporation,
Madurai.

2. Backiya Thevar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to take appropriate action against the second respondent for attempt to conducting weekly market on Wednesday at Avaniyapuram, Madurai without obtaining license from the 1st respondent by considering the representation preferred by the petitioner on 15.06.2018.

For Petitioner : Mr.B.Jeyakumar
For RR1 : Mr.J.Gunaseelanmuthaiah
Standing Counsel

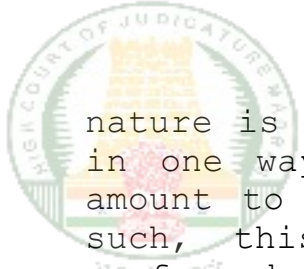
O R D E R

Mr.J.Gunaseelanmuthaiah, learned Standing counsel takes notice for the first respondent. Notice to the second respondent is dispensed with in view of nature of the order to be passed by this Court.

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 15.06.2018, seeking to take appropriate action against the second respondent for attempt to conducting weekly market on Wednesday at Avaniyapuram, Madurai without obtaining license, has not been considered by the first 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 respondent is 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 them 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 first respondent to consider the petitioner's representation dated 15.06.2018 on its own merits and take further action in accordance with law, within a period of 4 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 second respondent and any other persons who may be interested in the subject matter.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar(SAR4)

To

The Commissioner,
Madurai Corporation,
Madurai.

+1cc to Spl.Government Pleader Sr.No.72825
+1cc to Mr.B.Jeyakumar, Advocate Sr.No.72704

SJI

VB/SKN/SAR4/24.07.2018/2P/4C

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