



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.17236 of 2017

and

W.M.P.(MD) No.13799 of 2017

A.Karuppandi

... Petitioner

vs.

The Madurai Corporation
rep.by the Commissioner
Madurai Corporation
Madurai City, Madurai-2
Madurai-2

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records pertaining to the impugned order in Ma.Sa 1/Ma.Va.2/027945/16 dated 19.06.2017 on the file of the respondent and quash the same as illegal and consequently for a direction directing the respondent to issue the permission to the petitioner to shift the shop No.529 from Central Market, Mattuthavani to either in Mattuthavani Bus Stand or in New Omni Bus Stand at Mattuthavani or any other prominent place for business within a stipulated time.

For Petitioner	:	Mr.T.Lajapathi Roy
For Respondent	:	Mr.N.Shanmugaselvam Standing Counsel

O R D E R

It is the submission of the learned counsel for the petitioner that in identical cases shifting orders have been issued in favour of various lessees and as such, the reasoning of the respondent that shifting of the petitioner's shop is not permissible is incorrect.

2. The learned standing counsel for the respondent submitted that the petitioner's licence has already expired in the year 2013 itself and as such, the question of shifting the shop or licence does not arise. The learned standing counsel further submitted that the petitioner's shop is not a roadside shop and the other shifting orders issued in favour of various lessees were in respect of roadside shops and as such, they do not applicable to the petitioner's case. This submission is objected to by the learned counsel for the petitioner by stating that the petitioner's shop is also a roadside shop.

3. I do not wish to go into these mixed question of facts and in my view, the respondent would be the appropriate authority to take a decision in the said issue.



4. In view of the same, the petitioner is granted liberty to make a fresh representation to the respondent ventilating all his grievances and on receipt of such representation, the respondent shall consider the same on its own merits and take further action in accordance with law, without any reference to the impugned order of rejection, dated 19.06.2017. Such an exercise shall be done within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar (CS-IV)

To

The Commissioner,
Madurai Corporation,
Madurai 625 002.

+1cc to Mr.N.Shanmugaselvam, Advocate, SR.No. 75420

+1cc to Mr.T.Lajapathi Roy, Advocate, SR.No. 75242

W.P. (MD) No.17236 of 2017

and

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KRK

KK/SV/SAR-4/31.07.2018/2P-4C/