



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.21718 of 2018

Ashraf Yusuf

... Petitioner

vs.

1.The District Collector,
Madurai District,
Madurai-625 020.

2.The Commissioner of Police,
Madurai City,
Madurai - 625 002.

3.The Commissioner,
Corporation of Madurai,
Aringar Anna Maaligai,
Madurai-625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus directing the respondents to permit the petitioner association to open their shops in throughout night on 04.11.2018 and 05.11.2018 on the eve of Deepavali festival, by considering the petitioner's representation dated 27.09.2018.

For Petitioner : Mr.MA.Karunanithi

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader
for R.1 and R.2
: Mr.T.S.Mohammed Mohideen
for R.3

O R D E R

When the writ petition is taken up for admission, the learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that in the last year, a similar writ petition was filed in W.P.(MD) No.18970 of 2017, wherein the learned Judge of this Court closed the writ petition vide his order dated 13.10.2017, after recording the consensus arrived at between the officials concerned and the traders in regarding the opening of shops during the Deepavali season.



2. The order passed by the learned in the aforesaid writ petition is extracted hereunder:

"3. It is submitted that pursuant to a joint meeting conducted by the Assistant Commissioner of Police, Vilakkuthoon, Madurai with the participation of the traders and various sections of public, a consensus has been reached to permit the traders to carry on business upto 2.00 a.m., during Deepavali. With this understanding the learned counsel appearing for the petitioner therefore states that the same can be recorded and that the Writ Petition may be closed for the present.

4. Recording the fact that the petitioner and other traders can carry on business and open their shops every day upto 12.00 in the midnight during Deepavali except on 17.10.2017 and on 17.10.2017 they can keep their shops open till 02.00a.m., this Writ Petition is closed. No costs."

3. The learned Additional Government Pleader, on instructions, would submit that the same order may be passed in the present writ petition also.

4. At this juncture, the learned Counsel appearing for the petitioner would have no objection, since the issue as raised in the writ petition is already covered in the order passed by the learned Single Judge in the writ petition as stated above.

5. In view of the above, the present writ petition is disposed of as per the terms mentioned in the above stated writ petition in W.P.(MD)No.18970 of 2017, dated 13.10.2017. No costs.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub Assistant Registrar(CS-IV)

ssl

To

1.The District Collector,
Madurai District, Madurai-625 020.

2.The Commissioner of Police,
Madurai City, Madurai - 625 002.



3.The Commissioner,
Corporation of Madurai,
Aringar Anna Maaligai,
Madurai-625 002.

WEB COPY

+1cc to Mr.MA.Karunanithi, Advocate in SR No.91211
+1cc to The Spl Government Pleader, SR No.91396
+1cc to mr.T.S.Mohamed Mohideen, Advocate in sR No.9117

W.P. (MD) No.21718 of 2018

NM/RSK/SAR IV/26.10.18/3P/7C.