



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.7697 of 2017

K.Muneeswaran

... Petitioner

vs.

The Commissioner,
Madurai Municipal Corporation,
Arignar Anna Maligai,
Tallakulam, Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to conduct lot for the allotment of new fruit shops constructed in Mattuthavani to the members of the Madurai Pazha Commission Vanigargal Sangam and Simmakal Pazhakkadai Motha Viyabarigal Sangam by announcing the date and time in advance through news papers and by affixing the same in the notice boards of the Municipal Corporation.

For Petitioner : Mr.C.Arul Vadivel Alias Sekar
For Respondent : Mr.N.Shanmuga Selvam
Standing Counsel

ORDER

Heard Mr.C.Arul Vadivel Alias Sekar, learned counsel appearing for the petitioner and Mr.N.Shanmuga Selvam, learned Standing Counsel, appearing for the respondents.

2. The grievance of the petitioner is that the petitioner has submitted a representation to the respondent for the allotment of new fruit shops constructed in Mattuthavani with the members of the Madurai Pazha Commission Vanigargal Sangam and Simmakal Pazhakkadai Motha Viyabarigal Sangam by announcing the date and time in advance through news papers, has not been considered by the respondent till date and therefore, he has filed the present writ petition.

3. 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 an 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 them to consider the petitioner's representation within a stipulated time.

4. 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 30.03.2017 on its own merits and take further action in accordance with law, within a period of 6 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 any other persons who may be interested in the subject matter.

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

Sd/-
Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar(CS-II)

To:

The Commissioner,
Madurai Municipal Corporation,
Arignar Anna Maligai,
Tallakulam, Madurai.

+1cc to Mr.C.Arul Vadivel Alias Sekar, Advocate, SR.No.73181.

W.P.(MD) No.7697 of 2017
16.07.2018

SJI

RAM/SKN/SAR 2/26.07.2018/2P/3C