

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.01.2019

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.32344 of 2018

A.Sundaram

Petitioner

Vs

1. The District Collector
Salem
Salem District.
2. The Revenue Divisional Officer
Sankari,
Salem District.
3. The Tahsildar
Taluk Office,
Sankari Taluk,
Salem District.
4. The Block Development Officer,
Office of Panchayat Union,
Sankari,
Sankari Taluk,
Salem District.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the fourth respondent to grant a license in favour of petitioner for the year 2018-2019 to run the private market in Survey No.309/10 at Konneripatti Agharagam Village, Sankari Taluk.

For Petitioner : Mr. M.Elango

For Respondents: Mr.V.Shanmugasundar (R1 to R3)
Special Government Pleader

Mr.J.Purushothaman (R4)
Government Advocate

O R D E R

This Writ Petition has been filed seeking for a direction to the fourth respondent to grant a license in favour of the petitioner for the year 2018-2019 to run the private market in Survey No.309/10 at Konneripatti Agharagam Village, Sankari Taluk.

2.The petitioner is the representative of the private market which was spread over an area of 1.84.5 hectares and out of the said extent 1.5 hectares was allotted for Konaripatti High School and for Tamil Nadu Electricity Board. The remaining area, which was functioning as private market was subsequently subdivided as Survey No.309/10 for an extent of 50 cents. While so, the respondents were proposing to construct a Primary Health Center in the area allotted for private market in the said survey number. It is further stated that if the primary health center was constructed in the said area, the remaining extent of land could not be used for private market. Hence, the petitioner has filed the Writ Petition in W.P.No.18001 of 2017 against the respondents forbearing them in any manner from interfering with the business of private market in Survey No.309/10, an extent of 50 cents at Konneripatti Agharagam Village, Sankari Taluk. In the said Writ Petition, it was represented by the Block Development Officer, i.e, the fourth respondent herein before this Court that the Private Health Centre was proposed to be constructed in S.No.309 of 2011 and not in S.No.309 of 2010. Evenafter the Writ Petition was disposed of, the respondents have encroached the portion of the land which is earmarked for private market. A contempt application was also filed in Contempt Petition No.988 of 2018 and the same was closed on 29.08.2018. The petitioner thereafter has made an application along with necessary fees to the fourth respondent on 16.10.2018, seeking to grant licence. As there is no response the petitioner has filed this Writ Petition seeking for the aforesaid relief.

3. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 to 3 as well as the learned Government Advocate appearing for the fourth respondent.

4. Admittedly, the land in S.No.309 of 2010 was allotted for the purpose of private market.

5. In view of the same, the respondents are directed to consider and grant licence in favour of the petitioner for the year 2018-2019, if otherwise he is eligible and the application is in order. The said exercise shall be completed within a period of five weeks from the date of receipt of a copy of this order.

With the above directions, this Writ Petition is disposed of. No costs.

-s/d-
Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

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To

1. The District Collector
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+1 CC to Govt. Pleader sr 6501.

सत्यमेव जयते

W.P.No.32344 of 2018

PP (CO)
SP (21/02/2019)

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