



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD).No285 of 2019
and
C.M.P. (MD).No.2341 of 2019

K.Balaji

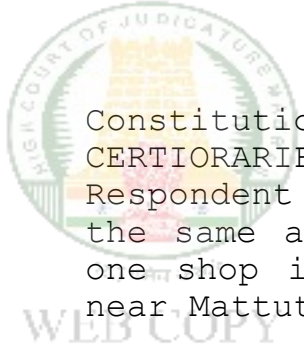
... Appellant /Petitioner

Vs.

1. The Commissioner,
Madurai Corporation,
Aringgar Anna Maligai,
Alagarkovil Main Road,
Madurai.
2. The Assistant Commissioner (Revenue) (Po),
South Zone,
Madurai Corporation,
Aringgar Anna Maligai,
Alagarkovil Main Road,
Madurai.
3. The Chief Planning Officer,
Town Planning Section,
Madurai Corporation,
Aringgar Anna Maligai,
Alagarkovil Main Road,
Madurai.
4. Simmakal Pazhakkadai Motha Viyabarigal Sangam,
No.175, North Masi Street,
Near Yannaikkal,
Madurai -1.
5. Madurai Pazhacommission Vanigargal Sangam,
No.131, North Marrat Street,
Near Simmakal,
Madurai -1.

... Respondents/Respondents

Prayer:- Writ Appeal is filed under Clause 15 of Letters Patent against the order of this Court in W.P.(MD).No.23381 of 2015, dated 24.10.2018.



Constitution of India, praying this Court To issue a WRIT OF CERTIORARIIFIED MANDAMUS to call for the impugned order of the 2nd Respondent in Proceedings Mava3/034209/15 dated 27.10.2015 and quash the same as illegal and directing the Respondents 1 to 3 to allot one shop in the proposed newly constructed wholesale fruit market near Mattuthavani, Madurai.

For Appellant : Mr.M.Purushothaman
For R1 to R3 : Mr.R.Murali

J U D G M E N T

(Judgment of the Court was delivered by **K.KALYANASUNDARAM, J.**)

The writ appeal has been filed against the order of this Court in W.P.(MD).No.23381 of 2015, dated 24.10.2018.

2. The learned counsel appearing for the appellant would state that with regard to the excess shops constructed in Mattuthavani by the respondent, a public interest writ petition in W.P.No.21880 of 2018 is pending and an order of *status quo* has been granted.

3. According to the learned standing counsel for the respondent Corporation, all the 240 shops have been allotted to the Members of the two Associations and there is no vacancy and the learned single Judge had dismissed the writ petition, following the decision of the Division Bench in the same issue.

4. At this juncture, the learned counsel appearing for the appellant seeks permission of this Court to withdraw the writ appeal and to pursue the Public Interest Litigation petition pending and he has also made an endorsement to that effect.

5. In view of the endorsement made by the learned counsel for the appellant, this writ appeal is dismissed as withdrawn with liberty. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

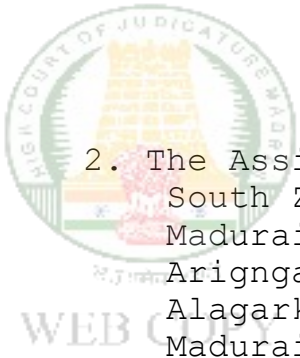
Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Commissioner,
Madurai Corporation,
Arignar Anna Maligai,
Alagarkovil Main Road,
Madurai.



2. The Assistant Commissioner (Revenue) (Po),
South Zone,
Madurai Corporation,
Arigngar Anna Maligai,
Alagarkovil Main Road,
Madurai.

3. The Chief Planning Officer,
Town Planning Section,
Madurai Corporation,
Arigngar Anna Maligai,
Alagarkovil Main Road,
Madurai.

+1 CC to M/s.R.MURALI, Advocate (SR-52833[F] dated 11/03/2019)
+1 CC to M/s.M.KANNAN, Advocate (SR-52861[F] dated 11/03/2019)

sp/05.04.2019/3p/6c

W.A. (MD) .No285 of 2019

08.03.2019