



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVU

W.P.[MD]No.1464 of 2019

and

W.M.P.[MD]Nos.1249 to 1251 & 1422 of 2019

Madurai Corporation owned
M.G.R Bus Stand shopping complex
Rent paying Shop Keepers
Welfare association Rep by its
Secretary M.Rajendran
Having office at Shop No.1,
M.G.R. Bus Stand, Madurai. : Petitioner

Vs.

- 1.The District Collector
Cum authority under Motor Vehicle Act,
Madurai District, Madurai.
- 2.The Commissioner,
Madurai Corporation, Madurai.
- 3.V.Rajaram
- 4.The Tamil Nadu Tea Plantation Corporation Ltd.,
Orange Grove Road, Coonoor - 643 101,
Nilgiri District. : Respondents
(R4 is Suo Motu impleaded vide Court
order dated.24.01.2019)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari Mandamus, calling for the entire records in connection to impugned proceedings vide Ref No.Ma.Va.4/027955/18 dated 12.01.2019 passed by the second respondent, quash the same and consequentially forbear the respondents especially the second respondent from issuing any order of allotment to anyone to put up shops in the Madurai M.G.R. Bus stand, Madurai other than the shops which are originally established in the year 1999.

For Petitioner : Mr.Niranjana S.Kumar
For Respondent No.1 : Mr.A.K.Baskara Pandian
Special Government Pleader
For Respondent No.2 : Mr.R.Murali Counsel
For Respondent No.4 : Mr.Saravanan



O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The action taken by the Madurai Corporation to give allotment to third parties in the MGR bus stand shopping complex at Mattuthavani made the association to file this Writ Petition.

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2.The Madurai Corporation permitted the third respondent to put up a shop in the M.G.R. bus stand shopping complex. The third respondent was in possession of the shop in Periyar bus stand. Subsequent to the demolition of the Periyar bus stand, he was given allotment by the Corporation, which made the petitioner to file this Writ Petition.

3.When this Writ Petition came up for admission on 24.01.2019, the learned Standing Counsel took time to take instructions. Thereafter, the learned Standing Counsel, on instructions submitted that the license given to the third respondent has already been cancelled.

4.The learned Standing Counsel submitted that the allottees are in arrears to the tune of Rs.87,84,990/-. We therefore, passed the following order on 28.01.2019.

"We are informed by the learned Standing Counsel for the Madurai Corporation that the Corporation has already cancelled the license granted to the third respondent and the licensee has dismantled the shop put up by him.

2.According to the learned Counsel for the petitioner TANTEA is occupying a portion of the bus stand and they are conducting a tea stall. It is stated to be a temporary shop.

3.Let the Commissioner, Madurai Municipality consider the feasibility of allotting a permanent shop to the TANTEA on preferential basis. Immediately after allotment, the TANTEA shall dismantle the temporary shop put up by it.

4.The learned Standing Counsel for the Madurai Corporation submits that the members of the petitioner association are in arrears of Rs.87,84,990/- up to January, 2019.

5.Mr.Niranjan S.Kumar, learned Counsel for the petitioner on instruction submitted that respective allottees of the shops would clear the arrears positively by 2.00 p.m. On 29.01.2019 without prejudice to their contention with regard to the applicability of the G.S.T to the arrears of licence fee.

6.We make it clear that the failure on the part of the petitioner association to discharge the entire arrears would result in cancellation of the allotment made to such members without any further notice.



7. Post for orders on 30 January, 2019."

5. When the Writ Petition is taken up for hearing today, the learned Counsel for the petitioner and the learned Standing Counsel for the Madurai Corporation, jointly submitted that the Corporation received the entire arrears amounting to Rs.87,84,990/-.

6. The prayer in the Writ Petition has become infructuous, on account of the order passed, cancelling the license issued to the third respondent. Since Mattuthavani is a permanent bus stand constructed by the local body, we are of the view that no temporary structures should be permitted to be erected by the Madurai Corporation. We, therefore, restrain the Corporation to give similar allotment to others in the Mattuthavani bus stand.

7. We are informed that the TANTEA and Aavin are presently functioning in Mattuthavani bus stand, outside the main building. We direct the Madurai Corporation to consider the allotment of suitable shops to TANTEA and Aavin, in case there are vacancies on priority basis. After such allotments are made, the TANTEA and Aavin shall dismantle the temporary structures put up by them and shall shift the shops.

8. The Writ Petition is disposed of, with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector
Cum authority under Motor Vehicle Act,
Madurai District,
Madurai.

2. The Commissioner,
Madurai Corporation,
Madurai.

+1cc to Mr. R. Murali, Advocate, SR.No.44110
+1cc to Mr. B. Saravanan, Advocate, SR.No.44063

Order made in
W.P. [MD] No.1464 of 2019
Dated: 30.01.2019