



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD)No.9069 of 2019

and

W.M.P(MD) .Nos.7056 and 7057 of 2019

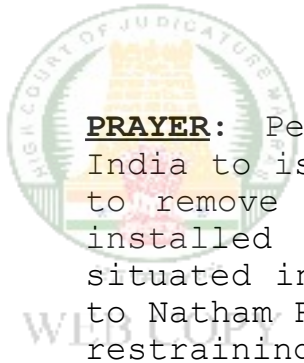
G.Varadharajan

... Petitioner

Vs

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The City Police Commissioner,
Madurai City,
Madurai.
- 3.The Assistant Commissioner of Police,
Traffic, Tallakulam Police Station,
Madurai.
- 4.The Commissioner,
Madurai Corporation,
Madurai.
- 5.The Assistant Commissioner (Revenue)
Madurai Corporation,
Anna Maligai,
Dr.Ambedkar Road,
Madurai-625 020.
- 6.Rengarajan
Administrative Officer-Zone 4,
Incharge Assistant Commissioner (Revenue),
Madurai Corporation,
Anna Maligai, Dr.Ambedkar Road,
Madurai 625 020.
- 7.Ravichandran
Assistant Commissioner of Police,
Traffic, Tallakulam Police Station,
Madurai 625 002.

... Respondents



PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 5 to remove the barricades in the form of bunk shops unauthorizedly installed surrounding the petitioner's Tan Tea retail outlet situated in front of flower market on the state high way of Madurai to Natham Road km 1/6 (Melur Road) Madurai with immediate effect and restraining the respondents from interfering in the business of the petitioner undue process of law based on the petitioner's representation dated 11.04.2019.

For Petitioner: Mr. Ananth C. Rajesh

For R1 to R3 : Mr. M. Karuppasamy
Government Advocate

For R4 & R5 : Mr. R. Murali

For R6 & R7 : Dispensed with

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned counsel appearing for the respondents 1 to 5.

2. The petitioner has been running Tan Tea retail outlet outside the integrated complex of flower Market, near Mattuthavani. The petitioner's grievance is that bunk shops have been suddenly installed in the vicinity and he is also being prevented from carrying on business as before.

3. This Court issued notice to the Madurai Corporation/respondents 4 and 5 herein and it is now submitted by the learned Standing Counsel that since a number of persons have been displaced from their business spots in Periyar bus stand, they have been given temporary accommodation outside the integrated complex of flower market. He also submitted that as and when the Smart City Project is completed, these temporary bunk shops would be removed.

4. The learned standing counsel made it clear that the petitioner can very well continue to run the business as before and that he would not be obstructed in any manner. The petitioner's bunk shop is facing the road side and that this would not in any way be hindered or affected. This submission made by the learned standing counsel for the Madurai Corporation as well as the Government, is placed on record.

5. The learned counsel for the petitioner submitted that the petitioner's bunk shop, which was licensed by the Highways Department could not open its flap side ways also on account of the installation of the new bunk shop by Madurai Corporation. This Court made it clear that the Corporation cannot install its bunk shop so near the writ petitioner's bunk shop and that the manner in which the petitioner was carried on the business earlier must be restored. This shall be done forthwith.



6. The Writ Petition is allowed on these terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P&A)

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// True Copy //

Sub Assistant Registrar (CS -I)

To

1.The District Collector,
Madurai District,
Madurai.

2.The City Police Commissioner,
Madurai City,
Madurai.

3.The Assistant Commissioner of Police,
Traffic, Tallakulam Police Station,
Madurai.

+1cc to Mr.Ananth C.Rajesh,Advocate, SR.No.61099

+1cc to Mr.R.Murali,Advocate, SR.No.61221

+1cc to Special Government Pleader, SR.No.61231

W.P. (MD) No.9069 of 2019
15.04.2019

SP/24.04.2019/3P/7C

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