



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD)No.22279 of 2019

T.Reeta Ganapathi

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

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

3.The Assistant Commissioner,
Madurai Corporation,
Madurai.

4.The District Officer,
Fire and Rescue Service,
Madurai.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned order passed by the third respondent in Ma.Ni.9/020588/2019, dated 09.10.2019 and quash the same and directing the respondents to allot a place for the petitioner to put up a temporary shop to sell firecrackers for Diwali festival from 24.10.2019 to 28.10.2019 in Thamukkam Maidhanam, Madurai.

For Petitioner :Mr.N.Vijayarajan

For Respondents :Mr.R.Prabhu Ramachandran

ORDER

The petitioner has filed the present Writ Petition seeking issuance of a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned order passed by the third respondent in Ma.Ni.9/020588/2019, dated 09.10.2019 and quash the same and also a direction to the respondents to allot a place for the petitioner to put up a temporary shop to sell firecrackers for Diwali festival from 24.10.2019 to 28.10.2019 in Thamukkam Maidhanam, Madurai.

2. Heard both sides.

3. Earlier, this Court had an occasion to deal with the identical issue in **W.P.(MD)No.21782 of 2019, dated 18.10.2019**, wherein this Court has held as under:

"The petitioner is a firecracker seller. He sent a representation to the respondents to allot place for



putting up temporary shops in Tamukkam ground. The said representation was pending without consideration and therefore, he approached this Court for the disposal of the said representation for allotting place for putting up a temporary stall for firecrackers for Diwali festival from 22.10.2019 to 27.10.2019 based on the representation made by him on 10.10.2019.

2. On notice, the learned counsel appearing for the first respondent would submit that the Tamukkam Ground is available for rent. It is allotted on first come first serve basis. The petitioner approached the respondent Corporation without paying the advance amount by way of demand draft. The person, who was allotted, has paid a sum of Rs.1,50,000/- by way of demand draft in the month of February 2019 itself and he has reserved it for six days during the festival season. The petitioner has not made any such offer or payment or application for allotment of the said area. The representation dated 10.10.2019 is highly belated, as the second respondent police has set a deadline for granting license for selling the crackers as 30.08.2019. After the license period is over, now the petitioner seeks to set up the stall by his representation dated 10.10.2019 and he has not made any payment towards the same. Considering the procedure adopted by the Corporation for augmenting their income, the petitioner should have approached the Corporation in advance.

3. Without making payment and without making any application in advance, the petitioner cannot at the neck of the moment ask for allotment of place, which has already been allotted to somebody else on hire and there is no complaint that it is given for a meagre amount and nor any *mala fide* is attributed. In such circumstances, the petitioner is not entitled to the relief as sought for. Accordingly, the writ petition is dismissed."

4. Therefore, following the same, the Writ Petition is also dismissed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

SML

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1.The Commissioner,
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Madurai.

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Madurai City, Madurai.

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Fire and Rescue Service,
Madurai.

+1 CC to M/s.R.PRABU RAMACHANDRAN, Advocate (SR-94012[F] dated
23/10/2019)

Order made in
W.P. (MD) No.22279 of 2019
23.10.2019

_KK/SAR/06.11.2019/3P-6C/