



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.01.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.744 of 2020

and

W.M.P. (MD) Nos.545 and 546 of 2020

A.Ramamoorthy

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Commissioner Office Building,
Anna Maligai,
Madurai - 625 020.

2.The Engineer,
Madurai Corporation,
Madurai.

3.The Assistant Engineer,
Ward No.44, Corporation,
Madurai.

4.The Secretary,
Madurai Palakamisan Vanigargal Sangam,
Shop NO.178, Smart City Fruit Market Campus,
K.K.Nagar, Madurai - 20.

5.The Secretary,
Madurai Simmakkal
Fruit Wholesale Merchants Sangam,
Smart City Fruit Market Campus,
K.K.Nagar, Madurai - 20.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Ma.Va2/13920/13 dated 05.07.2019 and quash the same and consequently restraining the fourth respondent from constructing a canteen in the parking area based on the impugned order in Ma.Va2/13920/13 dated 05.07.2019.



WEB COPY

For Petitioner : M/s.T.Vilavan Kothai
For R-1 to R-3 : Mr.Chellapandian,
Standing Counsel
For R-4 : Ms.S.Latha
For R-5 : Mr.N.Tamilmani

O R D E R

Heard the learned counsel appearing for the petitioner and the learned counsels appearing for the respondents.

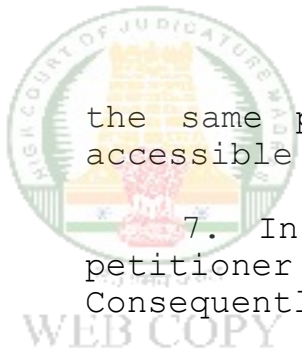
2. The writ petition is filed challenging the order passed by the Madurai Corporation in Ma.Va2/13920/13 dated 05.07.2019.

3.The case of the petitioner is that he is a Fruit Commission Agent in Madurai City area. Under the Smart City Scheme announced by the Government of India, the Madurai City Corporation has developed the Smart City Fruit Market Campus at K.K.Nagar, Mattuthavani, Madurai. The petitioner was allotted shop No.15 for lease on 08.10.2018. While so, a proposal was laid down for construction of a Canteen and an order was issued in favour of the fourth respondent on 05.07.2019 for the construction and operation of the said Canteen. The petitioner is now aggrieved by the place earmarked for the construction of the Canteen as it is stated that it is in the parking area provided for the market.

4. According to the petitioner, if the Canteen is constructed in the place earmarked, it will cause hindrance to the general public and the vehicles, which are moving will be restricted by the drivers of the vehicles, who would visit the Canteen. Therefore, he is challenging the order issued in favour of the fourth respondent.

5. It is not out of place to mention that the petitioner himself was one of the contenders in the auction conducted for the construction and operation of the Canteen in dispute, however unsuccessful. Though it is stated that at the time of auction, the place was not earmarked, the construction itself is for a public cause and as stated above, it is within the Smart City Scheme and therefore, the petitioner cannot have any objection.

6. The learned standing counsel appearing for the respondents 1 to 3 submitted the proceedings dated 27.01.2020 before this Court, wherein it is stated that out of 240 shop owners, 163 of them have signed and expressed their support for the construction of the Canteen in the said place. He further stated that the place suggested by the petitioner is not suitable for running a Canteen as



the same place is very narrow and it is in the corner and not accessible for any vehicle.

7. In view of the above discussions, the challenge of the petitioner fails and the writ petition is dismissed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

+1 CC to M/s.T.VILLAVAN KOTHAI, Advocate (SR-3777[F] dated 29/01/2020)

+1 CC to M/s.N.TAMILMANI, Advocate (SR-3830[F] dated 30/01/2020)

+1 CC to M/s.S.CHELLAPANDIAN, Advocate (SR-4216[F] dated 31/01/2020)

Order made in
W.P(MD)No.744 of 2020
29.01.2020

pm

SDS (14.02.2020) 3P-4C