



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD) .No.7873 of 2020

P.Manoharan

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Thallakulam,
Madurai 625 002.

2.The Assistant Commissioner (Revenue),
Madurai Corporation,
Aringar Annna Maligai,
Thallakulam,
Madurai 625 002.

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to allot an extent of 225 sq.ft. in the ongoing Smart City Project at Periyar Bus Stand, Madurai City, based on petitioner's earlier allotment order issued by the first respondent in Ref.No.V7/5118/91, dated 29.01.1991 and petitioner's representation dated 23.12.2018 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

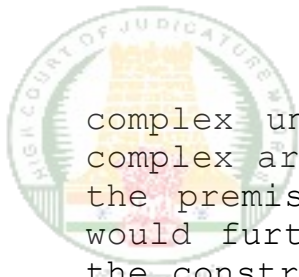
For Respondents : Mr.T.S.Mohammed Mohideen
Standing counsel

O R D E R

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

The petitioner was granted licence by the respondents Corporation to run a ready-made textile shop in Bharathiyar Modern Shopping Complex in respect of Shop No.FI, Block F, admeasuring to an extent of 225 sq.ft. (15x15), vide proceedings of the first respondent, dated 29.01.1991 and it has been periodically extended.

2. The learned counsel appearing for the petitioner would submit that in view of the construction of new modern shopping



complex under the Smart City Scheme, the existing shops in the complex are likely to be demolished and the petitioner has vacated the premises and handed over the same to the respondents and he would further add that there is a promise to allot a shop after the construction of the new buildings and in that event, he should be allotted a shop measuring 15x15 sq.ft., and in this regard, he has also sent a representation, dated 21.12.2018, and the apprehension of the petitioner is that he may be allotted a shop having the lesser measurement and prayed for appropriate orders.

3. The matter was listed for admission on 23.07.2010 and on that day, Mr.T.S.Mohammed Mohideen, learned Standing counsel accepts notice on behalf of the respondents and sought time to get instructions and furnish the details as to the construction of the new shopping complex under the Smart City Scheme and accordingly, the matter was directed to be listed today.

4. When the matter is listed today, the learned Standing counsel appearing for the Corporation of Madurai submitted that the additional typed set of documents dated 27.07.2020, contains the report filed by the second respondent and it would disclose among other things that the proposed bus stand cum new modern shopping complex would have 64 bus bays, basement floor, ground floor with four floors and 429 shops and as and when the allotment is made, the representation of the petitioner would be taken into consideration and appropriate orders will be passed.

5. This Court has carefully considered the rival submissions and perused the materials placed on record.

6. It appears that the construction of the bus stand cum new modern shopping complex under the Smart City Scheme is under midway and as and when the construction is fully completed and starting of the process of allotment, the request / claim made by the petitioner to allot a shop measuring 15x15 sq.ft., is to be considered by the respondents Corporation, on merits and in accordance with law and appropriate orders be passed. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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Note : In view of the present lock down owing to COVID -19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Thallakulam,
Madurai 625 002.

2.The Assistant Commissioner (Revenue),
Madurai Corporation,
Aringar Annna Maligai,
Thallakulam,
Madurai 625 002.

+1 CC to Mr.G. THALAIMUTHARASU, Advocate (SR-13390[F] dated 31/07/2020)

+1 CC to Mr.T.S. MOHAMED MOHIDHEEN, Advocate (SR-13418[F] dated 31/07/2020)

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