



WEB COPY

W.P(MD).No.8405 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2020

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P(MD).No.8405 of 2020

and

W.M.P.(MD).No.7810 of 2020

P.Allikodi

.. Petitioner

Vs.

1.The District Collector,
Dindigul,
Dindigul District.

2.The Dindigul Market Committee,
Rep. by its Secretary,
Dindigul, Dindigul District.

3.The Market Superintendent,
Regulated Market,
Ottanchathiram, Dindigul District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Se.Mu.A.No.E/531/2015, dated 07.07.2020 on the file of the respondent No.2 and quash the same as illegal and consequently directing the respondents 1 to 3 to petitioner to operate the shop in Shop No.C-05, Ottanchathiram Regulated Market Complex, Dindigul District within the time frame stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondent : Mr.P.Mahendran for R1
Additional Government Pleader

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader for the respondents.

2.The writ petitioner was allotted a shop in Ottanchathiram Regulated Market Complex. He had to pay a sum of Rs.1,320/- as monthly rent and Rs.300/- towards maintenance charges. It appears that the petitioner did not remit the said rent and charges since January 2020. Therefore, the third respondent passed the impugned order dated 07.07.2020, cancelling the allotment. Questioning the same, this writ petition came to be filed.



3.The learned counsel appearing for the writ petitioner submitted that the petitioner's wife is suffering from medical ailments and that was the reason why he could not pay the rent. The petitioner expressed his readiness to clear the entire arrears within a period of one week.

4.It is seen that the petitioner had taken a Demand Draft and also sent to the same to the third respondent. But, then the third respondent has not accepted the same and returned the Demand Draft. The petitioner is directed to resubmit the Demand Draft to the second respondent. The second respondent is directed to accept the same.

5.The learned Additional Government Pleader points out that the petitioner had not acted as per the terms and conditions. The allotment order clearly states that if default is consecutively committed, the allotment can be cancelled without any notice. He would further submit that in Ottanchathiram, there are two markets, namely old Gandhi Market and new Agricultural Products Regulated Market. He also states that the petitioner is not desirous of running his business in the new market. The petitioner's counsel states that the petitioner is very much desirous of working from the new market.

6.It appears that after the petitioner's allotment was cancelled, a new person has been inducted in the shop that was originally allotted to the petitioner. I therefore, do not wish to disturb the arrangements. It appears that new shops are likely to fall vacant by the month end and that it is possible to accommodate the petitioner in one of the shops that may fall vacant.

7.Therefore, the respondents 2 and 3 are directed to accommodate the petitioner herein in one of the shops that may fall vacant in the immediate future.

8.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM



To

1.The District Collector,
Dindigul,
Dindigul District.

2.The Secretary,
Dindigul Market Committee,
Dindigul, Dindigul District.

3.The Market Superintendent,
Regulated Market,
Ottanchathiram, Dindigul District.

+1 CC to SPL GP (SR-15823[F] dated 03/09/2020)

W.P (MD) .No.8405 of 2020
02.09.2020

VB (10.09.2020) 3P 5C