



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD)No.9859 of 2020

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S.T.Sundarapandiyan,
S/o Thangaraj Nadar,
Managing Director/President,
Tuticorin Vegetable Marketing Company Pvt Ltd,
No.130, Palayamkottai Road,
Tuticorin District - 628 003.

Petitioner

Vs

1.The Revenue Divisional Officer,
Tuticorin District.

2.The Commissioner,
Tuticorin Municipal Corporation,
Tuticorin.

Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to permit the petitioner to shift all their 34 vegetable vendors who are presently doing vegetable vending near New bus stand, Thoothukudi to the petitioner's ground situated in TS ward C, Block 32 bearing TS.Nos.17,18,19 at Thoothukudi and to do vegetable vending by following all the directions issued by Government regarding social distancing by considering the petitioner's representation dated 31.05.2020.

For Petitioner	: Mr.G.Prabhu Rajadurai.
For Respondents	: For R1-Mr.S.Angappan Government Advocate For R2-Mr.Saji Bino

O R D E R

Heard the learned counsel on either side.

2. The petitioner is running a private market at No.130, Palayamkottai Road, Thoothukudi. In view of COVID-19 pandemic situation, the first respondent passed an order dated 26.03.2020, directing the closure of the market and permitted the use of the market to function from other place. The petitioner's counsel states that the respondent Corporation has been levying exorbitant charges on the users of the petitioner's market. The petitioner therefore wants this Court to direct the respondents to permit him to shift his market to another place, which also belongs to him. This Court issued notice to the respondents. Before the case could be taken up for final disposal, the Government of Tamil Nadu had lifted the lockdown restrictions. Even Malls have been allowed to reopen.



Therefore, this Court is obliged to take note of the subsequent developments. Therefore, the petitioner can very well be permitted to open his private market in the old place itself. Of course, the petitioner has to strictly abide by certain operating protocols that may be issued by the respondents.

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3. The petitioner through his counsel agreed to abide by the directions that may be issued by the respondents in this regard. Recording the undertaking of the petitioner, there shall be a direction to the respondents herein to permit the petitioner to run his private market at the earlier place located at No.130, Palayamkottai Road, Thoothukudi, subject to maintaining all the safety norms.

4. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (ADII)

// True Copy //

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Sub Assistant Registrar(CS)

vrn

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 Revenue Divisional Officer,
Tuticorin District.

2.The Commissioner,
Tuticorin Municipal Corporation,
Tuticorin.

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-
15656[F] dated 02/09/2020)

+1 CC to M/s.Government pleader (SR-15680[F] dated
02/09/2020)

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