



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 18.12.2020**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN  
AND  
THE HONOURABLE MR.JUSTICE B.PUGALENDHI  
W.P. (MD)No.18674 of 2020  
and  
W.M.P. (MD)No.15626 of 2020**

Suba.Muthukumar

... Petitioner

Vs.

1.The District Collector,  
Sivagangai District, Sivagangai.

2.The Revenue Divisional Officer,  
Revenue Divisional Office,  
Devakottai, Sivagangai District.

3.The Tahsildar,  
Karaikudi Taluk Office,  
Sivagangai District.

4.Rama.Nachiyappan,  
President of Panchayat,  
Kallal Village Panchayat,  
Karaikudi Taluk,  
Sivagangai District.

5. The Manager,  
Sri Somasunthareswara  
Sowntharanayahi Amman Temple,  
Kallal, Sivagangai District.

6.Pala. Saravanan Chettiyar

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents 1 to 3 to consider the petitioner's representation dated 20.11.2020 and to direct the fourth respondent to shift the place weekly market (every Thursday) from the fifth respondent's temple land at North Car Street to sixth respondent place in Survey No.249/1, 249/3 Aa.Mu.Aa.Kulanthaivelue Chettiyar commercial complex at Kallal, Karaikudi Taluk, Sivagangai District.



For Petitioner : Mr.P.Muthusamy  
For Respondents : Mrs.J.Padmavathi Devi  
Special Government Pleader  
for R.1 to R.3  
: Mr.M.Muthugeethaiyan  
Special Government Pleader  
for R.4 and R.5

WEB COPY

**ORDER**

**(Order of the Court was made by N.KIRUBAKARAN, J)**

The petitioner, who is a resident of Kallal Village, has come before this Court, seeking to shift the weekly market, which has been now located in the land belonging to the fifth respondent temple. According to the petitioner, the weekly market was originally located in sixth respondent's place. However, due to COVID-19 pandemic condition situation, it has been shifted to the land belonging to the fifth respondent temple. Since the garbage is generated in that area, it is causing nuisance not only to the people in that area, but also to the visitors of the temple. In this regard, the petitioner has given a representation, dated 20.11.2020 to the respondents 1 and 2, to shift the weekly market, which is now conducted in the land belonging to the fifth respondent temple, to the land belonging to the sixth respondent, where it was originally conducted.

2. Heard Mr.P.Muthusamy, learned Counsel appearing for the petitioner, Mrs.J.Padmavathy Devi, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.M.Muthugeethaiyan, learned Special Government Pleader appearing for the respondents 4 and 5.

3. As this Court intends to direct the respondents 3 and 4 to consider the petitioner's representation, dated 20.11.2020, notice to the respondents 5 and 6 is not necessary at this stage.

4. Having regard to the submissions made by the learned Counsel appearing on both sides and taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, this Court directs the respondents 3 and 4 to consider the petitioner's representation, dated 20.11.2020 and take a decision within a period of six weeks from the date of receipt of a copy of this order, after hearing all the parties including the private respondents.



5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

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 District Collector,  
Sivagangai District, Sivagangai.
- 2.The Revenue Divisional Officer,  
Revenue Divisional Office,  
Devakottai,  
Sivagangai District.
- 3.The Tahsildar,  
Karaikudi Taluk Office,  
Sivagangai District.
- 4.Rama.Nachiyappan,  
President of Panchayat,  
Kallal Village Panchayat,  
Karaikudi Taluk,  
Sivagangai District.

+1 cc to Mr.P.Muthusamy , Advocate SR.No.26431

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**18.12.2020**

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