



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.13466 of 2017

and

WMP (MD)Nos.10536 and 10537 of 2017

WEB COPY

M.Pappa

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.R.Samuvel Nadar

... 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 of the impugned order passed by the 1st respondent in Ma.Va.2/009399/14, dated 11.07.2017 and quash the same as illegal and consequently direct the 1st respondent to construct a shop with permanent super-structure near shop No.241 as mentioned in the allotment order dated 25.09.2013 issued by the 1st respondent.

For Petitioner : Mr.M.Kannan

For Respondents : Mr.R.Murali for R1
Mr.A.Srinivasan for R2

O R D E R

Heard the learned counsel on either side.

2.The writ petitioner herein was given temporary allotment in the site adjacent to the regular shop allotted to the second respondent. The second respondent filed W.P.(MD)No.2998 of 2014. When the matter was taken up for final disposal, it was submitted that what was allotted to the writ petitioner was only a temporary allotment. In that view of the matter, the learned Judge passed the following orders:-

"6.In view of the submissions made on behalf of the first respondent that the location of the second respondent adjacent to the shops allotted to the petitioner is only temporary, in the fitness of things, it would be suffice for the present, to direct the first respondent to relocate the second respondent by allotting a regular shop as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of



3.The grievance of the petitioner is that even though a direction was given to the corporation for relocating him by allotting a regular shop, he has now been called upon to occupy the vacant site near a public toilet. A photo of the place has also been shown to me. I am of the view that the present allotment made in favour of the petitioner is definitely not in compliance with the order passed in W.P.(MD)No.2998 of 2014. Therefore, the order impugned in this writ petition is quashed. The first respondent will comply with the direction made in W.P.(MD)No.2998 of 2014 vide order dated 28.03.2017 as expeditiously as possible. Till then, the status quo as of now will continue.

4.The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// 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.

+1 CC to Mr.M. KANNAN, Advocate (SR-15902[F] dated 04/09/2020)

+1 CC to Mr.R. MURALI, Advocate (SR-16046[F] dated 07/09/2020)

+1 CC to Mr.A. SRINIVASAN, Advocate (SR-16064[F] dated 07/09/2020)

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