

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.17758 of 2020

Madurai Farooq Ahmed ... Petitioner

Vs.

1. The Principal Commissioner
Tamil Nadu Municipal Administration and
Water Supply Department
Ezhilagam Annex 6th Floor, Chepauk
Chennai 600 005.
 2. The Commissioner
Municipal Office
Vaniyambadi 635 751.
 3. The District Collector
Tirupattur District
Old B.D.O. Office
Krishnagiri Main Road
Tirupattur 632 601.
 4. The Tahsildar
Taluk Office
Vaniyambadi 635 751.
- सत्यमेव जयते ... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the second respondent to maintain status quo pertaining to the weekly market located at Khaderpet, Vaniyambadi and Additional Bus Stand at Pudur, Vaniyambadi and consequently restrain the respondents in any manner interfering with the peaceful functioning of weekly market at Khaderpet and Additional Bus Stand at Pudur.

For Petitioner : Mr.B.Ram Prasath

For Respondents - : Mr.V.Jayaprakash Narayanan
1, 3 & 4 State Govt. Pleader

ORDER

(Made by SENTHILKUMAR RAMAMOORTHY, J)

The petitioner canvasses a grievance with regard to the proposed shifting of the weekly cattle market which is located at Khaderpet in Vaniyambadi Town.

2. It is asserted that the Vaniyambadi Municipality has a population of more than 2.5 lakh and that there is also a large floating population. Therefore, a new additional bus stand was proposed to be set up and even the construction thereof was completed.

3. Subsequently, it is stated that about 99 shops were constructed in the area intended for the cattle market and that it is proposed to shift the cattle market to the area earmarked for the additional bus stand.

4. In these circumstances, the writ petitioner submits that a representation dated May 03, 2020 was submitted to the second respondent to maintain status quo with regard to the weekly market and bus stand, but no action has been taken thereon.

5. The decision as to the location of a weekly market or bus stand has to be taken by the appropriate executive authorities by taking into consideration all material aspects, such as the suitability of the location, its accessibility to the largest number of users and the like. Therefore, this Court is not inclined to decide on whether the weekly market or bus stand should be shifted or put to a different use. At the highest, the relevant authority may be directed to consider the petitioner's representation.

6. Accordingly, without examining the merits of the petitioner's request for the maintenance of status quo as regards the weekly market located at Kadherpet, Vaniyambadi and the additional bus stand at Pudur, Vaniyambadi, the petitioner is permitted to submit a fresh representation to the second respondent within two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the second respondent shall consider such representation and dispose of the same by a reasoned order, within a period of eight weeks thereafter, after

providing a reasonable opportunity to all the parties likely to be affected.

7. W.P.No.17758 of 2020 is disposed of on the above terms. There will be no order as to costs. As a consequence, WMP No.22016 of 2020 is closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/
Sub Asst. Registrar

kpl

To

1. The Principal Commissioner
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Water Supply Department
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+1 cc to Mr.B.Ram Prasath Advocate sr19679
+1 cc to Government Pleader sr 19160

W.P.No.17758 of 2020

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