



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2021

CORAM:

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
and

THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.(MD) No.3751 of 2021

M.Mohammed Hanifa

... Petitioner

-vs-

The Commissioner,
Madurai Municipal Corporation,
Aringar Anna Maligai,
Out Post, Tallakulam,
Madurai.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondent not to permit any vendors, particularly, vegetables and fruit vendors to lay their open shop on narrow service road on Fridays or any other day to protect the lawful everyday business of the petitioner's premises in Bypass Road, Chockkalinga Nagar Area, Madurai - 16.

For Petitioner : Mr.T.K.Gopalan

O R D E R

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The petitioner complains of vegetable and fruit vendors blocking the sides of a narrow service road on Fridays on the bypass road in the Chockkalingam Nagar area of Madurai.

2.It appears that the petitioner has made a written representation of November 30, 2020 to the respondent authority and such representation has not been considered.

3.Ordinarily, this Court will not be minded to receive every petty complaint of encroachment unless there is a larger element of public interest involved. Without in any manner belittling the problem of encroachment on public land that exists in this State, if Courts were to get into every tiny encroachment in every village of the State, there would hardly be any time to address other matters of pressing need.

4.At the same time, it must be emphasized that public land and waterbodies must be protected and revenue officials and others tasked with the maintenance of such places must ensure that no encroachment is allowed and that encroachments, if made, are dealt with expeditiously and effectively in accordance with law.



5. Accordingly, the petitioner is permitted to make a fresh representation to the respondent within a fortnight from date, whereupon the respondent Commissioner, Madurai Municipal Corporation will consider the matter upon affording an opportunity of hearing to all concerned who might get affected by the resultant order. The speaking order of the respondent should be communicated to all concerned, including the petitioner, within eight weeks of the receipt of the representation.

6. In the event the petitioner is aggrieved by the action taken or the failure to take any action, the petitioner will be entitled to pursue further proceedings, but not by way of a public interest litigation and upon establishing his *locus standi*.

7. W.P. (MD) No. 3751 of 2021 is disposed of without any order as to costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

SMN2/GK

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

The Commissioner,
Madurai Municipal Corporation,
Aringar Anna Maligai,
Out Post, Tallakulam, Madurai.

+1 CC to Mr. T.K. GOPALAN, Advocate (SR-8775[F] dated 04/03/2021)

Order made in
W.P. (MD) No.3751 of 2021
04.03.2021

SMV (CO)

SRS (11/03/2021) 2P : 3C