



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11008 of 2021

and

W.M.P (MD) No.8635 of 2021

A.Sulthan Alavudeen

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai - 625 020.

2. The Commissioner,
Madurai Corporation,
Anna Malligai,
Madurai - 625 002.

3. The Divisional Engineer,
Madurai Division,
State High Way Construction,
Alagarkoil Road,
Madurai - 625 002.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to permit the petitioner to run his licensed petty shop situated at Near Race Course Thamari Thotty, Madurai - Alagarkovil Road, K.Pudur, Madurai - 625 007 pending process of the renewal order on the file of the 3rd respondent on the basis of the petitioner's representation, dated 28.06.2021.

For Petitioner

: Mr.A.Jeyaram

For R1 & R3

: Mr.R.Sureshkumar

Government Advocate

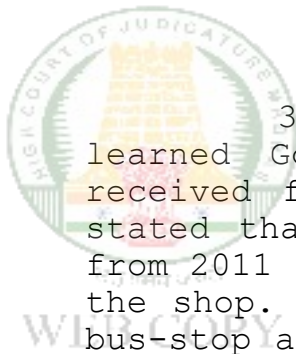
For R2

: Mr.R.Murali

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to permit the petitioner to run the petty shop pending the process of the renewal order to be passed by the third respondent.

2. When the matter was taken up for admission on 05.07.2021, this Court directed the learned Government Advocate to take instructions.



3. When the matter was taken up for hearing today, the learned Government Advocate circulated the written instructions received from the third respondent, wherein, it has been clearly stated that initially, permission was granted only for the period from 2011 to 2015 and thereafter, the petitioner continued to occupy the shop. It is further stated that the shop was located near the bus-stop and it was causing a lot of disturbance. Accordingly, the petty shop was removed on 03.07.2021 by the third respondent.

4. The grievance of the petitioner is that the shop has been removed even without issuing a notice to the petitioner. In the considered view of this Court, no notice is required since the license was given only for the period from 2011 to 2015 and thereafter, the petitioner had no right to put up a petty shop and occupy the same. Once, the shop is found to be unauthorized, there is no question of issuing a notice before the same is removed by the Highways Department.

5. The next grievance that has been expressed by the learned counsel appearing for the petitioner is that the petitioner has kept materials worth more than Rs.2,00,000/- (Rupees Two Lakhs only) inside the shop and that has also been removed and taken away by the Department.

6. It is left open to the petitioner to make a representation to the third respondent and seek for the return of the materials that were removed on 03.07.2021 when the petty shop was removed from the road. The third respondent, on receipt of the representation, shall call the petitioner for enquiry and if any materials belonging to the petitioner was removed and kept in the office, the same shall also be identified and returned back to the petitioner. This process shall be completed by the third respondent within a period of two (2) weeks from the date of receipt of the representation from the petitioner.

7. This Writ Petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

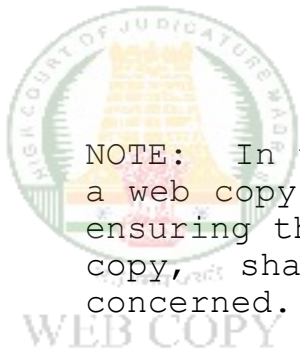
Assistant Registrar (CS I)

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Sub Assistant Registrar(CS)

tsg



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,
Madurai District,
Madurai - 625 020.
2. The Commissioner
Madurai Corporation,
Anna Maligai, Madurai.
3. The Divisional Engineer,
Madurai Division,
State High Way Construction,
Alagarkoil Road,
Madurai - 625 002.

+1 CC to M/s.A.JEYARAM, Advocate (SR-22187[F] dated 12/07/2021)

+1 CC to M/s.SPL GP (SR-22296[F] dated 13/07/2021)

**W.P. (MD) .No.11008 of 2021
and
W.M.P (MD) No.8635 of 2021
12.07.2021**

RC (19.07.2021) 3P-6C