



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2021

CORAM

THE HON'BLE MR. JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) No.13357 of 2021

Manikandan

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Commissioner,
Madurai Corporation,
Madurai.

3.The General Manager,
A.1301. Madurai District Co-operative Milk Producers Union Ltd.,
Sivagangai Main Road,
Sathamangalam, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents No.1 & 2 to grant permission for the petitioner to set up Aavin booth (depot No.151) (size 4 x 4) at the proposed space opposite to Thisaikaliyamman Temple at Chinnakadai Street, Madurai (Central Zone) by considering the petitioner's representation dated 22.07.2021 within the period that may be stipulated by this Hon'ble Court.

For Petitioner	:	Mr.V.Vishnu
For Respondent No.1	:	Mr.R.Baskaran Counsel for State
For Respondent No.2	:	Mr.R.Murali

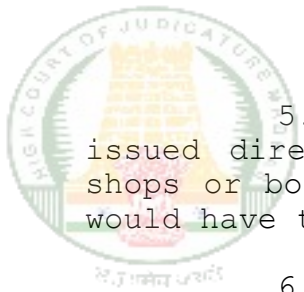
ORDER

The petitioner seeks permission to set up an Aavin booth at a space opposite the Thisaikaliyamman Temple at Chinnakadai Street, Madurai.

2.The petitioner states that he was granted a licence / lease on 17.08.2017 to set up an Aavin booth at South Masi Street. Although the said licence had been renewed upto 14.07.2023, the petitioner states that he could not carry on business at such location on account of the implementation of the "Madurai Smart City Project". Consequently, the petitioner made an application to the third respondent to relocate the booth and, upon inspection, the third respondent determined that the space opposite the Thisaikaliyamman Temple at Chinnakadai Street, Madurai, was appropriate for such purpose.

3.However, the petitioner states that the second respondent is refusing to permit the petitioner to set up the Aavin booth at the aforesaid space and that this is affecting his livelihood.

4.Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the first respondent and Mr.R.Murali, learned counsel, accepts notice on behalf of the Madurai Corporation.



5.Mr.R.Murali, learned counsel, submits that this Court has issued directions in earlier proceedings as regards the setting up of shops or booths on road margins. Therefore, he states that any decision would have to be in conformity with such directions.

6. The decision as to whether to permit a shop or booth to be set up and, if so, the appropriate location for such purpose is a matter entirely within the domain of the Madurai Corporation.

7.Nonetheless, the documents on record disclose that the petitioner was granted license / lease for purposes of operating an Aavin Milk Booth and has done so for a considerable period of time.

8.Accordingly, without going into the merits of the petitioner's representation, the second respondent herein is directed to consider and dispose of such representation after providing a reasonable opportunity to the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order.

9. W.P.(MD).No.13357 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

2.The Commissioner,
Madurai Corporation,
Madurai.

3.The General Manager,
A.1301. Madurai District Co-operative Milk Producers Union Ltd.,
Sivagangai Main Road,
Sathamangalam, Madurai.

+1CC to Mr.V.Vishnu, Advocate (SR25575)

+1CC to The Special Government Pleader (SR25349)

+1CC to Mr.R.Murali, Advocate (SR25207)

SS III

RS (11.08.2021) 2P-7C

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