



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.14813 of 2021

and

W.M.P. (MD)No.11708 of 2021

WEB COPY

Jahir Hussain

... Petitioner

Vs.

1.The Corporation Commissioner,
Municipal Corporation,
Dindigul.

2.The Town Planning Officer,
O/O.Town Planning Officer,
Dindigul.

3.The Assistant Town Planning Officer,
O/o. Assistant Town Planning Officer,
Municipal Corporation,
Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent No.2 not to remove the tea shop sited by petitioner at Dindigul Katcheri Street where the corporation is allotted for the road side vendors which the same is permitted by the respondent No.1 in Na.Ka.No.2018/2018/F3 dated on 12.07.2021.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.J.Lawrance

ORDER

The petitioner seeks to prevent the removal of the tea shop set up by him on Dindigul Katcheri Street.

2.The petitioner states that he has set up a tea shop at the place assigned to him by the Municipal Corporation. He has also remitted the requisite licence fee, security deposit, etc. He states that he has constructed the necessary iron box for setting up the tea shop by incurring expenditure of Rs.1,00,000/-. In response to political pressure, it is alleged by the petitioner that the second respondent has taken steps to remove the tea shop. The present Writ Petition is filed in these facts and circumstances.

3.Mr.J.Lawrance, learned Standing Counsel, appears on behalf of the Municipal Corporation, Dindigul. He states that the petitioner

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has not yet commenced operations at the relevant tea shop. In view of the dispute between the petitioner and the adjacent shop owners, the Municipal Corporation proposes to offer an alternative site to the petitioner. The Municipal Corporation further states that there is no intention to remove the tea shop at this juncture.

4. In view of the submission of the Municipal Corporation that it does not intend to remove the shop at this juncture, the principal grievance and apprehension of the petitioner has been addressed. As long as the petitioner adheres to the terms and conditions of the licence granted to him, he should not be disturbed except in the manner stipulated in such licence. As regards the offer of an alternative site, it is open to the petitioner and the Municipal Corporation to agree upon the re-location of the tea shop to such alternative site.

5. W.P. (MD). No. 14813 of 2021 is disposed of on the above terms without any order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

ias

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 Corporation Commissioner,
Municipal Corporation, Dindigul.

2. The Town Planning Officer,
O/O. Town Planning Officer, Dindigul.

3. The Assistant Town Planning Officer,
O/o. Assistant Town Planning Officer,
Municipal Corporation, Dindigul.

+1 CC to M/s. J. LAWRENCE, Advocate (SR-27407[F] dated 26/08/2021)

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25.08.2021

RD(2.09.2021) 2P 5C

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