



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.18007 of 2021

and

W.M.P(MD) .No.14874 of 2021

WEB COPY

M.Sangeetha

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.Sivagangai Samasthanam,
Represented by its Manager,
Kallal Panchayat,
Sivagangai District.

3.The Block Development Officer,
Village Panchayats (Kallal Panchayat),
Sivagangai.

4.The President,
Kallal Panchayat Union,
Sivagangai.

5.Pala.Saravanan Chettiyar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1,3 and 4 to take necessary steps to permit the functioning of weekly market in S.Nos.223/3 and 223/4 at Kallal Panchayat as per the request dated 08.03.2021 of the respondents 3 and 4, by considering the representation of the petitioner dated 08.07.2021.

For Petitioner	: Mr.J.Anandkumar
	For Mr.K.Vairamuthu
For R-1 and R-2	: Mr.P.Subbaraj,
	Counsel for State.
For R-3	: Mr.A.Baskaran

ORDER

The petitioner seeks the allotment of a Government owned site for the functioning of the weekly market at the Kallal Panchayat.



2. The petitioner states that she is the elected eleventh Ward Councillor of the Panchayat. It is stated that the weekly sandhai was being conducted in a place belonging to the Sivagangai Samasthanam. On account of disputes raised in respect of title, the weekly market was shifted to a place owned by the fifth respondent. According to the petitioner, upon shifting the market to the place owned by the fifth respondent, the user fees increased manifold. This caused considerable inconvenience to the users of the weekly market. It also appears that a F.I.R. was registered in view of the law and order problem that ensued after the weekly market was shifted to the place owned by the fifth respondent. In these circumstances, it is stated that both the fourth respondent and the petitioner submitted representations seeking a Government owned site so as to ensure that the above mentioned problems do not recur.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 and 2 and Mr.A.Baskaran, learned counsel, accepts notice on behalf of the third respondent.

4. Whether the allotment of a Government owned site would be in the interest of users of such weekly market should be considered by the first respondent after providing a reasonable opportunity to all stakeholders. Given the limited scope of the present Writ Petition, it is not necessary to enter findings on the merits thereof.

5. Accordingly, without entering any findings on the merits of the matter, the first respondent herein is directed to consider the petitioner's representation dated 08.07.2021 as also the representation made by the fourth respondent and pass a reasoned order thereon after providing a reasonable opportunity to the petitioner, the fourth and fifth respondents herein and any other stakeholders. Such reasoned decision shall be communicated within a period of three (3) months from the date of receipt of a copy of this order.

6. W.P.(MD).No.18007 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P(MD).No.14874 of 2021 stands closed.

Sd/-

Assistant Registrar (A.D.II)

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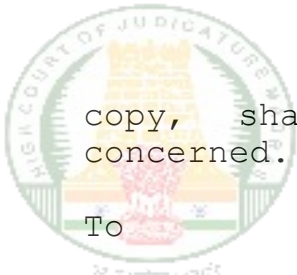
/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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, the copy of the order that is presented is the correct

<https://www.scribd.com/document/541111111/18007-2021>



copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.Sivagangai Samasthanam,
Represented by its Manager,
Kallal Panchayat,
Sivagangai District.

3.The Block Development Officer,
Village Panchayats (Kallal Panchayat),
Sivagangai.

4.The President,
Kallal Panchayat Union,
Sivagangai.

+1 CC to M/s.SPL.GP (SR-31508[F] dated 07/10/2021)

+1 CC to M/s.A.BASKARAN, Advocate (SR-31471[F] dated 07/10/2021)

W.P (MD) No.18007 of 2021
06.10.2021

RD(20.10.2021) 3P 7C