



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2021

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WEB COPY

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.18960 of 2021

and

W.M.P.(MD).No.15777 of 2021

Madurai Nagar Salaiyarom Mattrum Market Virppaniyalar Sangam
(Registration No.1171/MDU)
Rep by its General Secretary
having office at
19, Bharathiyar Road, Melaponnagaram
Madurai-625016. ... Petitioner

Vs .

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

2.The Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai-625 020.

3.Venkateshwaran ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to direct the third respondent not to collect more rent from the petitioner's members's 14 shops in violation of condition 1 and 28 of the second respondent Tender Rules and to collect Rs.40/- per shop per day, consequentially to consider the Monthly Rental Scheme at par with similarly placed other 20 shops in Thavittu Santhai Market, Madurai Town by considering the petitioner's representation dated 05.10.2021, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For R1 : Mr.K.S.Selva Ganesan
Counsel for State

For R2 : Mr.K.K.Kannan
Standing Counsel



ORDER

The petitioner seeks the consideration of a representation dated 05.10.2021 by which it is alleged that the third respondent is collecting higher rent than that prescribed under the relevant Rules from the shop keepers who are members of the petitioner's association.

2. According to the petitioner, the third respondent was the successful bidder in an auction relating to the collection of rent from shop keepers operating at the Thavittu Santhai Market, Madurai Town. Pursuant thereto, the third respondent is said to have demanded monthly rent of Rs.10,000/-. According to the petitioner, the collection of rent should be in accordance with the terms and conditions specified in the tender document of the second respondent. It is alleged that such terms and conditions specify the monthly rent and daily rent per shop and that the demand made by the third respondent is in violation thereof.

3. Mr.K.K.Kannan, learned Standing Counsel for the Madurai Corporation, accepts notice on behalf of the second respondent and Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice for the first respondent. Mr.K.K.Kannan submits that the contentions of the petitioner are incorrect. Without prejudice, he states that the representation would be considered and disposed of within the time limit specified by the Court.

4. In view of the said submission of learned Standing Counsel for the Corporation of Madurai, it is not necessary to examine or enter findings on the merits of the petitioner's representation. Accordingly, W.P.(MD).No.18960 of 2021 is disposed of by directing the second respondent to consider the petitioner's representation dated 04.10.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and the third respondent herein. Such reasoned order shall be issued within a period of two (2) months from the date of receipt of a copy of this order. However, there will be no order as to costs. Consequently, W.M.P.(MD)No.15777 of 2021 is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji



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-625 020.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-32720[F] dated 26/10/2021)

+1 CC to M/s.SPL.GP (SR-32857[F] dated 27/10/2021)

W.P (MD) .No.18960 of 2021

and

W.M.P. (MD) .No.15777 of 2021

26.10.2021

MGJ/PM(10.11.2021) 3P 5C