



WEB COPY



W.P.Nos.32450 & 32452 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.32450 & 32452 of 2022

A.Alif Raja @ M.M.Sulaiman .. Petitioner in W.P.No.32450/22

A.Sarbutheen @ Mohamed Kunju .. Petitioner in W.P.No.32452/22

Vs.

1. The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore.

2. The Assistant Commissioner,
South Division,
Coimbatore Municipal Corporation,
Kuniyamuthur, Coimbatore.

.. Respondents in both the WPs

Prayer in both the WPs: Writ Petitions have been filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to allot the suitable place in the area of M.M.Ali Market, Ukkadam, Coimbatore District as per communication sent by the 2nd respondent in his proceedings Na.Ka.No.169560/22 dated 28.08.2022 and Na.Ka.No.012773/18/A-1/S, dated 28.02.2020 respectively.

For Petitioner : Mr.C.Prakasam
in both WPs
For Respondents : Mr.Ferdinand
in both WPs

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COMMON ORDER

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These writ petitions have been filed seeking a direction to the respondents to allot suitable place to the petitioners in the area of M.M.Ali Market, Ukkadam, Coimbatore District as per the communication sent by the 2nd respondent in his proceedings in Na.Ka.No.169560/22 dated 28.08.2022 and Na.Ka.No.012773/18/A-1/S, dated 28.02.2020 respectively.

2. According to the petitioners, the Government of Tamil Nadu decided to construct flyover at Ukkadam and in this connection, the petitioners and others were asked to vacate from that place and the respondents gave assurance that they will allot alternative place at M.M.Ali Market Commercial Complex, Coimbatore and accordingly the petitioners and others vacated the said place and subsequently the 2nd respondent passed the orders allotting place to the petitioners and monthly rent was also fixed. Despite such orders being passed no place has been allotted to the petitioners, therefore they filed these writ petitions seeking a direction to the respondents for allotment.

3. The learned counsel appearing for the respondent Corporation,



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produced a communication sent by the respondents admitting that originally the petitioners were running shops on monthly rent basis. Thereafter, allotment was made in favour of the writ petitioners. The writ petitioners have not taken possession of the said place, but on the other hand they sought allotment in some other place. Therefore, allotment made in favour of the petitioners could not be fructified. If in the event any vacancy arises in M.M.Ali Market area the petitioners representation will be considered and allotment will be made to them on priority basis.

4. Such view of the matter, as admitted by both sides there is no vacancy, if in future any vacancy arise in M.M.Ali Market, Ukkadam, priority will be given to the writ petitioners in allotment. With the above directions, the writ petitions are disposed of. No costs.

08.12.2022

Index : Yes / No
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To

1. The Commissioner,
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Coimbatore.
2. The Assistant Commissioner,



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N.SATHISH KUMAR, J.

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