



W.P.(MD).No.10962 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.10962 of 2012

and

M.P(MD)No.1 of 2012

C.Suresh

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.Kuppammal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to impugned order in Ma.Va. 3/009051/2012, dated 27.07.2012, passed by the first respondent and quash the same and consequently direct the first respondent to permit the petitioner to run the shop No.10 situated at Central Market, Mattuthavani, Madurai.

For Petitioner	: M/s.M.Ramu
For R-1	: Mr.R.Murali
For R-2	: Mr.K.K.Senthil



W.P.(MD).No.10962 of 2012

ORDER

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The present Writ Petition has been filed challenging an order passed by the first respondent herein, under which, the allotment of shop standing in the name of the writ petitioner was cancelled without issuing notice to him.

2. According to the petitioner, in the year 1980, shop No.138 of Old Central Market of Madurai Corporation was allotted in favour of Kuppammal. She was running the same till 2009. Thereafter, the said Kuppammal had entered into an agreement with the writ petitioner, under which, she has transferred the shop in favour of the writ petitioner.

3. The petitioner has further contended that in view of transfer of shop in favour of the writ petitioner, the petitioner was allotted a shop in Maatuthavani Market. Only, thereafter, the said Kuppammal came to know that no shop was allotted in her favour in the new Maatuthavani Market. She lodged a complaint to the first respondent herein. Based upon the complaint lodged by the second respondent, the first respondent has passed impugned order on 27.07.2012, cancelling the allotment order



W.P.(MD).No.10962 of 2012

in favour of the writ petitioner without issuing any notice or conducting any enquiry. The said order is under challenge in the present writ petition.

4. The learned Counsel for the second respondent reported that the second respondent had passed away, leaving behind her only daughter, Iswari and the learned Counsel for the respondent agrees for passing of the orders in the writ petition, remitting back to the first respondent herein.

5. In view of the above said facts, the following order is being passed:

"(i) The order impugned in the writ petition is set aside and the matter is remitted back to the file of the first respondent herein.

(ii) The first respondent, after giving due opportunity to the writ petitioner, and the legal heir of Kuppammal, shall pass orders within a period of twelve (12) weeks from the date of receipt of a copy of this order."



W.P.(MD).No.10962 of 2012

WEB COPY

6. With the above said observations, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

24.08.2022

Index : Yes / No
Internet : Yes / No
btr

To

The Commissioner,
Madurai Corporation,
Madurai.



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W.P.(MD).No.10962 of 2012

R.VIJAYAKUMAR, J.

btr

Order made in
W.P.(MD).No.10962 of 2012

24.08.2022