



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.1623 of 2022

and

W.M.P. (MD) .No.1413 of 2022

Madurai Nagar Salaiyarom Mattrum Market Virppaniyalar Sangam

(Registration No.1171/MDU),

Represented by its General Secretary.

... Petitioner

Vs.

1. The Principal Secretary to Government,
Department of Municipal Administration and
Water Supply Department,
Secretariat,
Chennai.
2. The Commissionerate of Municipal Administration,
Office of the Commissionerate of Municipal Administration,
3, MRC Nagar, Raja Annamalai Puram, Chennai,
Tamil Nadu - 600 028.
3. The District Collector,
Madurai District,
Madurai - 625 020.
4. The Commissioner of Police,
Madurai City,
Madurai - 625 007.
5. The Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai - 625 020.
6. The Assistant Commissioner,
East Zone, Madurai Corporation,
Munichalai,
Madurai - 625 009.

(7. Mr. Thatchanamoorthy)

R-7 is deleted vide Court order dated 01.02.2022
in W.P. (MD) .No.1623/2022



7.Venkateshwaran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the first and second respondents to direct the fifth and sixth respondents to pay compensation of Rs.10,00,000/- each for the petitioner's members, for the illegal demolition of 14 shops at Thavittu Santhai Market, Madurai Town executed by the sixth respondent on 20.01.2022 and after construction to provide necessary shops to them, consequentially to provide alternative sites till the reconstruction by considering the petitioner's representation dated 22.01.2022, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For R-1 to R-4 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

For R-5 : Mr.K.K.Kannan,
Standing Counsel.

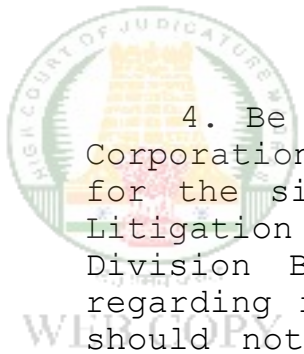
For R-6 : Mr.R.Murali,
Standing Counsel.

ORDER

Heard Mr.A.Haja Mohideen, learned counsel for the petitioner, Mr.N.Satheesh Kumar, Additional Government Pleader who takes notice for respondents 1 to 4, Mr.K.K.Kannan, learned Standing Counsel who takes notice for the fifth respondent and Mr.R.Murali, learned Standing Counsel who takes notice for the sixth respondent.

2. This Writ Petition has been filed by Madurai Nagar Salaiyarom Mattrum Market Virppaniyalar Sangam which is claimed to be a registered association in the nature of mandamus seeking a direction against the first and second respondents to direct the fifth and sixth respondents to pay compensation of Rs.10,00,000/- (Rupees Ten Lakhs only) to each member of the petitioner's Sangam for, according to the petitioner, illegal demolition of fourteen (14) shops at Thavittu Santhai market at Madurai Town which demolition was executed, according to the petitioner on 20.01.2022 by the sixth respondent. It was also stated that the members of the petitioner's Sangam should be provided necessary alternate shops till re-construction is considered.

3. The petitioner had given a representation on 22.01.2022 which by any mathematical calculation is only about seven (7) days back. Mandamus cannot be issued to consider the representation which was just given a week back. There must be some breathing time given to the respondents to atleast open up the thapal and examine the same.



4. Be that as it may, the learned Standing Counsel for Madurai Corporation, Mr.K.K.Kannan and Mr.R.Murali, learned Standing Counsel for the sixth respondent stated in unison that a Public Interest Litigation had been filed in W.P.(MD).No.22535 of 2021 and the Division Bench had passed orders directing that Writ Petitions regarding removal or threat of removal or even demolition of shops should not be heard by a learned Single Judge and it should be placed only before the Division Bench.

5. It is also stated that a direction had been given to the aforementioned respondents to remove all the shops which are obstruction to the pedestrians, to the road margin and in any other manner whatsoever. If the petitioner feels that the shops of the members of whom the Sangam represents are authorized shops, then necessary applications will have to be filed before the Division Bench seeking exemption from the particular order of the Division Bench.

6. The hands of this Court are tied and I am not prepared to grant any direction in favour of the petitioner or even Mandamus. The Writ Petition stands dismissed. I do not approve the petitioner having impleaded the sixth respondent by name.

7. The Registry is directed to delete the seventh respondent who is actually the sixth respondent by name from the list of respondents before issuing the order copy and rearrange the eighth respondent as the seventh respondent.

8. It is also pointed by Mr.K.K.Kannan, learned Standing Counsel that a Sangam cannot maintain the Writ Petition and individual members alone will have to redress their grievances.

9. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

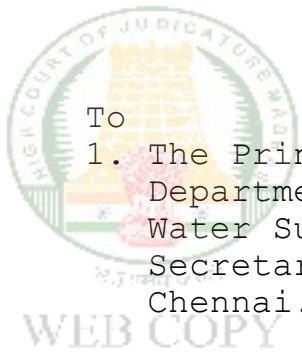
Sd/-
Assistant Registrar (CRL)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

Nsr

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 Principal Secretary to Government,
Department of Municipal Administration and
Water Supply Department,
Secretariat,
Chennai.
 2. The Commissionerate of Municipal Administration,
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 5. The Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai - 625 020.
 6. The Assistant Commissioner,
East Zone, Madurai Corporation,
Munichalai,
Madurai - 625 009.
- +1 CC to M/s.K.K.KANNAN, Advocate (SR-3305[F] dated 01/02/2022)
- +1 CC to M/s.R.MURALI, Advocate (SR-3384[F] dated 01/02/2022)
- +1 CC to M/s.SPLGP (SR-3643[F] dated 02/02/2022)

ORDER MADE IN
W.P. (MD) .No.1623 of 2022
01.02.2022

PKP/25.02.2022/4P/10C