



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.1765 of 2022

M.Subramanian

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai City.

2.The Assistant Commissioner,
Madurai Corporation,
Madurai City.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to direct the respondents to call for the records pertaining to the proceedings of the second respondent in Ma.Va2/09582/2021 dated 20.09.2021 and quash the same and to direct the respondents to grant permission to run the shop at Lady Doak College Road, Madurai or any other place.

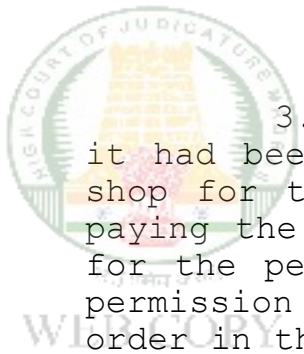
For Petitioner : Mr.R.Balamuruganantham

For Respondents : Mr.K.K.Kannan,
Standing Counsel.

ORDER

Heard Mr.R.Balamuruganantham, learned counsel for the petitioner and Mr.K.K.Kannan, learned Standing Counsel who takes notice for the respondents.

2. This Writ Petition had been filed in the nature of Certiorarified Mandamus seeking a direction to the second respondent to call for the records of the proceedings dated 20.09.2021 and set aside the same and consequently to direct the respondents to grant permission to the petitioner to run the shop at Lady Doak College Road at Madurai or at any other places.



3. In the affidavit filed in support of the Writ Petition it had been stated that the petitioner had been running the petty shop for the past twelve (12) years. He claims that he had been paying the taxes regularly. It is also claimed by learned counsel for the petitioner that he had been running the shop under lawful permission and also had a license. The Division Bench had passed an order in the Public Interest Litigation in W.P.(MD).No.12188 of 2019 that all the shops which are obstruction to the pedestrians and to the road margin should be removed. By way of the impugned order, the second respondent had issued a notice calling upon the petitioner to remove the shop and it is not possible to grant alternate shops.

4. There is also yet another Writ Petition. The order of the Division Bench in W.P.(MD).No.22535 of 2021 where again the same order had been reiterated by the Division Bench. It had been very specifically stated that the Writ Petition should not be listed before a Single Judge. Therefore, this Court cannot pass any order but can only give an option to the petitioner to file necessary miscellaneous petition in W.P.(MD).No.22535 of 2021, if he is of the opinion that the petitioner is exempted from the said order and get necessary orders.

5. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (W)

// 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 Commissioner,
Madurai Corporation, Madurai City.

2.The Assistant Commissioner,
Madurai Corporation, Madurai City.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-3304[F] dated 01/02/2022)

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MGJ(10.02.2022) 2P 4C

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