



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3910 of 2022

and

W.M.P(MD)No.3367 of 2022

WEB COPY

Madurai Pudumandapam South & North Side
Shop Owners Association,
represented by its President,
M.Abdul Kadar.

... Petitioner

/Vs./

1. The District Collector,
O/o. The Collector Office,
Madurai.
2. The Commissioner,
Madurai Municipal Corporation,
Madurai.
3. The Joint Commissioner,
HR & CE, Zonal Office,
Ellis Nagar, Madurai.
4. The Joint Commissioner cum
Executive Officer,
The Arulmigu Meenakshi Amman Temple,
Madurai.
5. The Deputy Director,
Town and Country Planning,
No.4, Hakkim Ajmal Khan Road,
Near Sairam Matriculation School,
Chinna Chokkikulam, Madurai.
6. The District Collector,
Fire and Rescue Services Department,
Melaveli Street, Madurai,
Madurai District-625 001.

7. G.Muthupandi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents 1 to 4 to permit the members of the Association to continue to run the business in the Pudumandapam shops located on either side on the basis of the representation given by the petitioner Association on

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19.10.2021 and consequently restraining the 4th respondent in anyway dispossessing the members of the petitioner's association from the Pudumandapam shops located on either side in operating their shops for commercial activities within the time stipulated by this Court.

For Petitioner : Mr.Sricharan Rangarajan
for Mr.K.Rajeshwaran
For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R1, R5 & R6
Mr.P.Subbaraj
Special Government Pleader for R3
Mrs.S.Devasena
Standing Counsel for R2
Mr.V.R.Shanmuganathan
Standing Counsel for R4

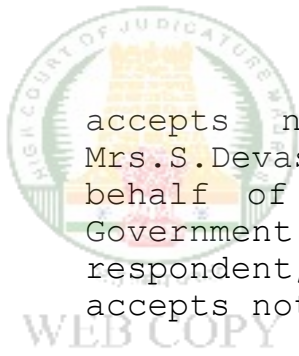
ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 4 to permit the members of the Association to continue to run the business in the Pudumandapam shops located on either side, on the basis of the petitioner's representation dated 19.10.2021 and consequently restraining the 4th respondent from dispossessing the members of the petitioner's association from Pudumandapam shops located on either side in operating their shops for commercial activities, within a time frame to be fixed by this Court.

2.The case of the petitioner is that their members are having shops in Pudumandapam shops of Meenakshi Temple at Madurai. According to them, the second respondent/Corporation has agreed to provide alternate accommodation for the existing shops, which are in the possession of the members of the petitioner association. According to them, alternate accommodation provided by the second respondent is not fit for occupation. It is also their case that without building plan approval as per the Rule 53 of the Tamil Nadu Combined Development and Building Rules, 2019, they have been asked to move to a new place. It is their further case that alternate shops allotted by the second respondent are all lesser in size than the size of the place, in which the petitioner association are presently occupying in the Pudumandapam area of the Meenakshi Temple at Madurai. The petitioner association has given a representation to the HR&CE Minister on 19.10.2021, which according to them, has not been considered till date. In such circumstances, the petitioner has filed this writ petition.

3.Heard Mr.Sricharan Rangarajan, learned Counsel for the writ petitioner, Mr.M.Lingadurai, learned Special Government Pleader, who

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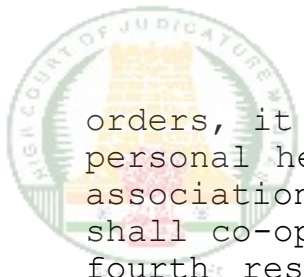
accepts notice on behalf of the respondents 1, 5 and 6 Mrs.S.Devasena, learned Standing Counsel, who accepts notice on behalf of the second respondent, Mr.P.Subbaraj, learned Special Government Pleader, who accepts notice on behalf of the third respondent, and Mr.V.R.Shanmuganathan, learned Standing Counsel, who accepts notice on behalf of the fourth respondent.

4.The learned Special Government Pleader appearing for the official respondents and learned Standing Counsel appearing for the second and fourth respondents would contend that many of the shops owners have already been affected and in fact, another association by name, Madurai Pudhumandapam Viyabarikal and Thaiyal Thozhilarkal Sangam had filed a writ petition in W.P.(MD)No.3365 of 2022. This Court has directed the official respondents to ensure that alternate accommodation is to be provided and the electrification work is to be completed within a period of thirty days. In accordance with the said directions, the official respondents have already taken steps.

5.According to the respondents, the members of the petitioner association are also members of the Madurai Pudhumandapam Viyabarikal and Thaiyal Thozhilarkal Sangam. According to the respondents, to circumvent the order dated 21.02.2022 passed in WP (MD)No.3365 of 2022 and the order of the Division Bench of this Court passed in Writ Appeal, where directions were issued to provide alternate accommodation, the present writ petition has been filed. According to them, the present writ petition is not maintainable. It is also submitted by the respective counsels appearing for the respective respondents that the lease period has already got expired long time back and therefore, they cannot seek any direction from this Court now. The said statement is recorded.

6.After giving due consideration to the aforementioned submissions made by the respective counsels, this Court, in order to put a quietus to the matter is of the considered view that no prejudice would be caused to the official respondents, if the representation of the petitioner dated 19.10.2021 to forbear the respondents from dispossessing the members of the petitioner association from Pudhumandapam area in the Meenakshi Temple complex is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of one (1) month from the date of receipt of a copy of this order.

7.Accordingly, this Court directs the fourth respondent to consider the petitioner's representation dated 19.10.2021 to forbear the respondents from dispossessing the members of the petitioner association from Pudhumandapam shops located on either side of the Meenakshi Temple complex, Madurai, and pass final orders, after affording a fair hearing to the authorized representative of the petitioner association, within a period of one [1] week from the date of receipt of a copy of this order. While passing final



orders, it is made clear that the fourth respondent shall also grant personal hearing to the authorized representative of the petitioner association. It is also made clear that the petitioner association shall co-operate for the successful completion of the enquiry by the fourth respondent, within the aforementioned time frame fixed by this Court. Till the final orders are passed, the status quo as on date shall be maintained.

8. The learned counsel appearing for the petitioner, on instructions, would submit that the members of the petitioner association shall vacate the premises, if the representation of the petitioner is decided against them in accordance with law.

9. In terms of the aforementioned directions, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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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,
O/o. The Collector Office, Madurai.
2. The Commissioner,
Madurai Municipal Corporation, Madurai.
3. The Joint Commissioner,
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Ellis Nagar, Madurai.
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6. The District Officer,
Fire and Rescue Services Department,
Melaveli Street, Madurai,
Madurai District-625 001.

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+1 CC to M/s.S.DEVASENA, Advocate (SR-10276[F] dated 07/03/2022)

+1 CC to M/s.K.RAJESHWARAN, Advocate (SR-10421[F] dated
07/03/2022)

+1 CC to M/s.SPL GP (SR-10215[F] dated 04/03/2022 & SR-10373[F]
dated 07/03/2022)

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MGJ(04.04.2022) 5P 10C