



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.4070 of 2022

V.Pandian

... Petitioner

/Vs./

The Commissioner,
Madurai Corporation,
Madurai.

... Respondent

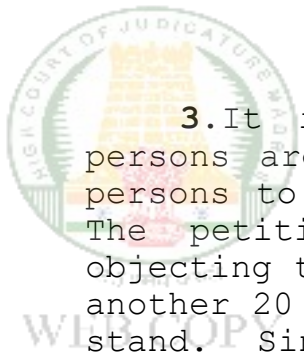
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to take immediate action to dispose of the objections in the nature of the representation submitted by the petitioner dated 19.01.2022 in person to the respondent thereby objecting the respondent from granting permission to another 20 persons to carry on flower vending business inside the Mattuthavani Bus Stand by providing the petitioner the opportunity of personal hearing in the manner known to law within a time frame as fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi
For Respondent : Mr.S.Vinayak
Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to take immediate action to dispose of the petitioner's objections dated 19.01.2022 objecting to the respondent from granting permission to another 20 persons to carry on flower vending business inside the Mattuthavani Bus Stand, Madurai, by providing the petitioner the opportunity of personal hearing, within a time frame to be fixed by this Court.

2.The case of the petitioner is that he is the President of Madurai Mattuthavani Integrated Bus Stand Small Flower Vendors Common Welfare Sangam. According to him, already 92 persons have been doing flower vending business inside the said bus stand for several years without any hindrance to the passengers and other general public. According to him, the respondent is attempting to grant permission to another 20 persons to do flower vending business in the very same bus stand, which is detrimental to the interest of the 92 persons, for whom the respondent has already granted permission to carry on flower vending business in the bus stand.



3.It is also the petitioner's case that if more number of persons are given permission, it will not be feasible for the 92 persons to carry on flower vending business in the said bus stand. The petitioner has also given a representation on 19.01.2022 objecting the attempts made by the respondent to grant permission to another 20 persons to do flower vending business inside the said bus stand. Since the representation has not been considered till date, he has filed this writ petition.

4.Heard Mr.B.Prahalad Ravi, learned Counsel for the writ petitioner and Mr.S.Vinayak, learned Standing Counsel, who accepts notice on behalf of the respondent.

5.The learned Standing Counsel appearing for the respondent, on instructions, would submit that since the representation dated 19.01.2022 referred to in the writ petition has not been received by the respondent, the petitioner will have to give a fresh representation for the very same purpose. He would also submit that on receipt of the same, the respondent is willing to consider the representation and pass final orders, after affording a fair hearing to the petitioner and other necessary parties. The said statement is recorded. The learned counsel appearing for the petitioner is also agreeable to give a fresh representation.

6.After recording the submissions made by the respective counsel, this Court directs the petitioner to submit a fresh representation stating his objection for grant of permission to another 20 persons for doing flower vending business inside Mattuthavani Bus Stand, Madurai, within a period of one (1) week from the date of receipt of a copy of this order and on receipt of the same, the respondent shall consider and decide as to whether more persons can be inducted for doing flower vending business inside the Mattuthavani Bus Stand and pass final orders, after affording a fair hearing to the petitioner and other necessary parties, whom the respondent deems fit to enquire, within a period of six (6) weeks from the date of receipt of fresh representation from the petitioner. Till final orders are passed, no new permission can be granted by the respondent for running flower vending business inside the Mattuthavani Bus Stand, Madurai.

7.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

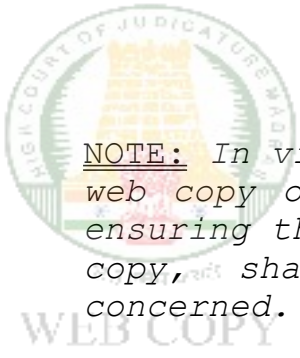
Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar



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
The Commissioner,
Madurai Corporation,
Madurai.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-10730[F] dated 08/03/2022)

+1 CC to M/s.S.VINAYAK, Advocate (SR-10899[F] dated 09/03/2022)

order made in
W.P.[MD]No.4070 of 2022
Dated:07.03.2022

sm
MS/17.03.2022/3P.4C