



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.8436 of 2017 and

W.M.P. (MD)Nos.6439 & 6440 of 2017

WEB COPY

R. Rajendran

... Petitioner

Vs.

1. The Commissioner
Madurai Corporation,
Madurai.

2. The General Manager,
Bharat Sanchar Nigam Limited,
Bibikulam.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the proceedings passed by the 1st respondent in Ma.4A4/ MaVa3/042249/16 dated: 26.12.2016 and quash the same.

For Petitioner : Mr. A. Srinivasan

For R-1 : Mr. R. Murali

For R-2 : No Appearance.

* * *

O R D E R

Heard the learned counsel on either side.

2. The petitioner is a physically challenged individual. Both his lower limbs are afflicted with polio. The petitioner was allotted telephone booth by BSNL. The Madurai Corporation wants the petition mentioned site back to ease the congestion between Thalavai Agraharam and North Masi Street. The corporation has issued the impugned order stating that the petitioner is actually carrying on fruit vending business.

3. I can take judicial notice of the fact that the telephone booths have virtually become redundant. The photographs have been produced before me show that there is no telephone booth functioning at the petition mentioned allotted site. Instead the petitioner is engaged in fruit vending business. Therefore, I have to necessarily sustain the order impugned in this writ petition. However taking



note of the special facts and circumstances obtaining in this case, the petitioner is given time till 31.12.2022 to vacate the petition mentioned allotted site.

4. The learned Standing counsel appearing for the Corporation states that the purpose of resuming the place is only to ease the traffic congestion. The first respondent shall not use it for any other commercial purpose or allot it to any other individual. Since the petitioner is a physically challenged person, the first respondent will bear in mind that the physically challenged individuals are entitled to certain concessions and therefore, the petitioner's request was for fresh allotment at some other site may be considered.

5. With this observation, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

PMU

To:

1. The Commissioner
Madurai Corporation,
Madurai.
2. The General Manager,
Bharat Sanchar Nigam Limited,
Bibikulam.

+1 CC to M/s.A. SRINIVASAN, Advocate (SR-26089[F] dated 16/06/2022)

+1 CC to M/s.R. MURALI, Advocate (SR-26091[F] dated 16/06/2022)

W.P. (MD) No. 8436 of 2017
15.06.2022

ks (CO)
TR(04.07.2022) 2P 5C