

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 18.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23952 of 2022

B.A.Alavudeen

..Petitioner

Vs

The Commissioner,
Madurai Corporation,
Corporation Building,
Madurai,
Madurai District.

....Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to consider the Petitioner's representation, dated 8.8.2022 for return the deposit amount of Rs.15,000/- with interest within the time stipulated by this Court.

For Petitioner :Mr.S.Louis

For Respondent :Mr.S.Devasena

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing respondent to consider the Petitioner's representation, dated 8.8.2022 for return the deposit amount of Rs.15,000/- with interest within the time stipulated by this Court.

2.Ms.S.Devasena, learned counsel takes notice for the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that the petitioner was allotted with a shop at Kunnathur Chambian Chathiram situated at No.86, Aavanimoola Street, Madurai by the Madurai Corporation and he is doing business in the said shop from the year 2006. In the year 2006, the Madurai Corporation has planned to demolish 21 shops at Kunnathur Chambian Chathiram and to construct a new shopping complex and hence the Corporation authorities requested the Petitioner and other shop owners to vacate the shops on condition that they would be allotted with shops at the newly constructed shopping complex. The Petitioner and others have accordingly vacated the shopping premises, however after construction of new shopping complex, the Petitioner and others were not allotted with newly constructed shops. Hence they have jointly filed Writ Petition in W.P(MD)No.420 of 2020 for forbearing the respondents not to allot any shops to any other person, without allotting shops to them. The said Writ petition was closed as prematured by order, dated 7.2.2020, recording the submission of the learned counsel for the respondent that the construction was not yet completed by then.The Petitioner and others have approached the Madurai Corporation and in the tender cum auction held on 12.10.2021, the Petitioner and others were assured that they will be

allotted with one shop each and on this assurance, the Petitioner has deposited a sum of Rs.15,000/- on 12.10.2021 towards allotment of a shop. But later on, allotment were given to the new membes, except for few old members. The Petitioner was not allotted with a shop for the reasons best known to them. Hence the Petitioner has requested the Corporation officials to return the deposit amount of Rs.15,000/-.In this regard, the Petitioner has submitted a representation on 8.8.2022 and as the same was not considered, the petitioner has filed the above Writ Petition for the relief as stated above.,

4.The learned counsel appearing for the Madurai Corporation would submit that the Petitioner's representation would be considered after ascertaining the fact that whether the Petitioner has participated in the tender, whethere there are any conditions for return of deposit amount and after holding an enquiry, necessary orders will be passed within the time specified by this Court.

5.In view of the above submission, this Court directs the respondent to consider the representation of the Petitioner, dated 8.8.2022 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the Petitioner and others concerned, if any, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of. No costs.

18.10.2022

Index : Yes/No

Internet: Yes/No

vsn

To

The Commissioner,
Madurai Corporation,
Corporation Building,
Madurai,
Madurai District.

V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN

W.P(MD)No.23952 2022

18.10.2022

