



W.P(MD)No.10817 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.10817 of 2023

and

W.M.P(MD)No.9537 of 2023

Thavamani

... Petitioner

Vs.

1.The District Collector

Madurai District,

Madurai.

2.The Commissioner

Madurai Municipal Corporation,

Madurai.

3.The Assistant Commissioner

Zone-V, Madurai Municipal Corporation,

Thirupparankundram,

Madurai.

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to restrain the unauthorized weekly market on every Friday at Senkundram Nagar and on Saturday's at Harveypatti, Madurai based on the petitioner's representation dated 23.03.2023.

For Petitioner : Mr.S.Balakarthick

For Respondents : Mr.N.Muthu Vijayan, - for R1
Special Government Pleader
S.Vinayak - for R2 & R3
Standing Counsel

ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a direction against the respondents to restrain the Weekly Market on every Friday at Senkundram Nagar and on Saturday at Harveypatti, Madurai. The petitioner had given a representation on 23.03.2023.



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2. A perusal of the affidavit filed in support of the Writ Petition shows that the petitioner, who probably represents other vegetable sellers, has some grievances against conducting the weekly market at Harveypatti Main Road and at Senkundram Nagar, Madurai. It is stated that consequent to the weekly market, the petitioner and others would suffer losses.

3. The petitioner can file a Writ Petition only on his behalf. If he is to plead a cause of several others whose names are not mentioned, then the Writ Petition cannot be maintained on behalf of the other individuals. Even otherwise, the Court cannot restrain a trade or business being carried on. The market is only a weekly market on Fridays and Saturdays and merely because the petitioner had given a representation, it does not mean that a Mandamus should be issued. It would be a direct violation of Article 19(1)(g) of the Constitution of India, whereby, every citizen has a fundamental right to carry on trade or business.



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4. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.04.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No

RM



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C.V.KARTHIKEYAN, J.

RM

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