



W.P.(MD)No.27580 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.27580 of 2022

M.Mageswaran

... Petitioner

Vs.

1.The Commissioner,
Trichirappalli Corporation,
Trichirappalli.

2.S.Sait

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to take necessary action against the second respondent for his illegal act of effecting structural change in his shop No.49, Chathram Bus Stand, Srirangam Kottam, Trichirappalli in violation of Clause 11, 30, 36, 39 of the Conditions of Allotment by considering the petitioner's representations dated 31.10.2022 and 21.11.2022 and for other such reliefs, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.R.Baskaran (for R1)
Standing Counsel
No appearance (for R2)



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ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel for the first respondent. Though the name of the second respondent has been printed in the cause list, he has not chosen to enter appearance.

2. Both the petitioner as well as the second respondent are licensee occupying the shops belonging to the corporation in Chatham bus stand. The shop occupied by the petitioner and the shop occupied by the second respondent are adjacent to each other. The petitioner feels aggrieved by the structural alteration made by the second respondent. It is well settled that a licensee in occupation of the shop belonging to the local body cannot make structural changes. The second respondent has not obtained any prior permission from the local body before carrying out such alteration.

3. The specific case of the petitioner is that such structural alteration will seriously affect the structural stability of his shop. Therefore, the first respondent is directed to take appropriate action



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against the second respondent and ensure that the second respondent does not make any alteration in violation of terms and conditions of the licence. The Writ Petition is allowed accordingly. No costs.

05.01.2023

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

To

The Commissioner,
Trichirappalli Corporation,
Trichirappalli.



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G.R.SWAMINATHAN,J.

Rmk

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