



W.P(MD)No.21508 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.21508 of 2018

and

W.M.P(MD)Nos.19391 of 2018 & 15787 of 2020

M.Gopinath

... Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner,
Madurai Corporation,
Madurai.

3.The Divisional Engineer,
Highways Department,
Construction & Maintenance,
Madurai – 2.

4.The Assistant Divisional Engineer (H),
Highways Department,
Projects Sub Division – I,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to provide alternative place to have a petti shop by considering the representation of the petitioner dated 10.12.2015 and the reminder dated 08.10.2018 within the stipulated time fixed by this Court.



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For Petitioner : Mr.S.C.Herold Singh
For RR 1, 3 & 4 : Mr.D.Gandhi Raj
Special Government Pleader
For R – 2 : Mr.C.Karthick

ORDER

This Writ Petition has been filed for a direction, directing the respondents to provide an alternative place to have a petty shop to the petitioner.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The petitioner is a physically challenged person with 80% disability. The petitioner was permitted to have a petty shop in the vacant place of the third respondent. From the year 2013, the petitioner's license to have a petty shop was not renewed. Therefore, the petitioner filed a Writ Petition before this Court in W.P(MD)No.20536 of 2015. Before this Court, it was informed that while removing the encroachment in the National Highways, the petitioner was assured that he would be given an alternative shop. On that basis, the petitioner submitted an application to provide an alternative place to have a petty shop.



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4.The second respondent filed a counter-affidavit and on the submissions made by Mr.C.Karthick, learned counsel appearing for the second respondent would reveal that the area in which the petitioner seeking permission to have a petty shop is coming under the jurisdiction of the Madurai Corporation. Already the petitioner had a shop in the Highways road and as such, it was removed by the third respondent. Therefore, no license can be given by the Corporation to run the petty shop by the petitioner. The allotment can be made by the Madurai Corporation by way of auction. Therefore, the request made by the petitioner cannot be considered and the Writ Petition is liable to be dismissed.

5.Accordingly, this Writ Petition is dismissed. However, the petitioner is at liberty to participate in the auction for allotment of the shop. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

05.11.2024

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



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G.K.ILANTHIRAIYAN, J.

ps

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W.P(MD)No.21508 of 2018

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