



W.P.(MD)N.19046 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.19046 of 2024

S.Durairaj

... Petitioner

Vs.

1. The District Collector,
Collectorate Complex,
Dindigul - 624 004.

2. The Commissioner,
Dindigul City Municipal Corporation,
Dindigul - 624 001.

3. The Superintendent of Police,
Collectorate Post,
Dindigul - 624 004.

4. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Seelapadi Post,
Dindigul - 624 004.

5. Assistant Revenue Officer (In-Charge),
O/o.Dindigul City Municipal Corporation,
Dindigul - 624 001.

6. The Revenue Inspector,
Dindigul City Municipal Corporation,
Dindigul - 624 001.



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7. The Revenue Assistant,
Dindigul City Municipal Corporation,
Dindigul - 624 001.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st ad 2nd respondents based on the petitioner's representation dated 29.07.2024 and to direct the 5th to 7th respondents not to disturb peaceful conduct of Thingal Vaara Santhai during contract period up to 02.04.2027.

For Petitioner : Mr.M.Sheik Abdullah

For R1 & R4 : Mr.A.Kannan
Special Government Pleader

For R2,R5,R6 & R7 : Mr.J.Lawrence

For R-3 : Mr.M.Vaikkam Karunanithi
Government Advocate

ORDER

Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1&4, the learned counsel appearing for the respondents 2, 5, 6 & 7 and the learned Government Advocate appearing for the third respondent.



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2. The petitioner has filed this writ petition for issuance of a direction to the 1st and 2nd respondents based on the petitioner's representation dated 29.07.2024 and to direct the respondents 5 to 7 not to disturb peaceful conduct of Thingal Vaara Santhai during contract period up to 02.04.2027.

3. The case of the petitioner is that he was a successful bidder for running the Monday market in the land belongs to the fourth respondent, Hindu Religious and Charitable Endowment Department. When the petitioner was about to start the market, the respondents 5, 6 & 7 prevented him from conducting the market. Hence, this petition.

4. Mr.J.Lawrence, who took notice to the second respondent submitted that even for running the market, licence has to be obtained from the second respondent.

5. The learned counsel for the petitioner submitted that the HR&CE Department applied for licence. However without processing the application for licence, the respondents 5 to 7 has causing disturbance.



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6. As the petitioner has been a successful bidder in the tender conducted by the HR&CE Department, the mere technicalities cannot defeat his right to run the market. If the application has already been filed, the same shall be processed by the respondents 5 to 7 immediately. If the said application is not filed so far, the petitioner shall file an application for license within a period of one week from the date of receipt of a copy of this order and on such filing, the same shall be processed by the respondents 5 to 7 within a week thereafter. Till such time there shall not be any forcible eviction.

7. With the above direction, this writ petition is disposed of.

No Costs.

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NCC : Yes / No

Index : Yes / No

PJL

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N.SATHISH KUMAR, J.

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