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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28-10-2026

CORAM

THE HON'BLE MRS. JUSTICE L.VICTORIA GOWRI

WP(MD) No. 8688 of 2024

CNR:{HCMD010381692024}

Navaneethakrishnan. M
S/o.Manickam,
4/244, Ramakrishnan Street,
EB Colony, Iyer Bungalow,
Madurai - 17.

..Petitioner(s)

Vs

1. The Divisional Engineer
   Highways (Constructions and Maintenance),
   Near Thamaraithotti, Alagar Kovil Main Road,
   K.Pudur, Madurai.

2. The Project Director
   National Highways Authority of India,
   Plot No.3, Sooriya Towers 2nd Floor,
   1st Street, K.K.Nagar,
   Madurai - 20.

3. The Commissioner
   Madurai Corporation,
   Madurai - 20.

4. The Assistant Commissioner (Revenue)
   Madurai Corporation,
   Madurai.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 3rd respondent to allot an alternative place for the petti shop in the light of the order passed in the WP(MD).No.10430 of 2020 dated 24.09.2020 within the jurisdiction of the 3rd respondent.

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For Petitioner(s) :M/s S.Satheesh Kumar

For Respondent(s) : Mr.S.Sivasubramanian
Government Advocate (Civil side)

Mr.P.Karthick – for R2
Standing Counsel

M/s.S.Devasena - For R3 And R4
Standing Counsel

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus to direct the 3rd respondent to allot an alternative place for the petti shop in the light of the order passed in the WP(MD).No.10430 of 2020 dated 24.09.2020 within the jurisdiction of the 3rd respondent.

2. The learned counsel for the petitioner submitted that the petitioner had been running a petty shop in allotment No.115/6240225, which is situated at the West side of the New Natham Road, North side of the Reserve Line bus stop, and a Neem tree. The petty shop is about 5 x 6 feet of length and width. Originally, the said shop was allotted to one Thiru.P.Shanmugasundaram on December 2007, by the order of the third respondent dated 12-7-2007. He was running the shop till January, 2011 and subsequently, it was transferred in the name of the petitioner as approved by the third respondent.

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3. He further submitted that earlier in 2016, the first respondent in the name of extension of road without having jurisdiction tried to evict the petitioner from the petty shop, which was challenged before this Court by way of a Writ Petition in WP(MD)No.2143 of 2016, where an order of injunction was passed by this Court, restraining the respondents 1 and 3 from evicting the petitioner from the petty shop and directed the respondent to produce the files. While so, the petitioner was continuing to run the petty shop for three years without any disturbance, till the Government decided to construct an over bridge in the Natham Main Road. Pursuant to which, the second respondent took possession of the entire area from the first respondent to complete the project. Notification for the construction of the bridge was issued on 22.02.2018.

4. The learned counsel for the petitioner further submitted that on 16.08.2019, the second respondent, without giving an opportunity of hearing to the petitioner, directed him to vacate the premises and termed the petitioner as an encroacher. The petitioner brought the same to the notice of the second respondent, intimating the pending litigation before this Court and with respect to the interim order, which protected him. However, the second respondent, claiming that he is not a party to the

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said litigation and that the said interim order claimed that it would not bind him and had thrown out the petitioner.

5. Hence, the petitioner made a representation to the third respondent to allocate some other place to shift his shop by the strength of the license he processed. The same was not considered, hence he filed a Writ Petition in WP(MD)No.10430 of 2020 before this Court and this Court by order dated 24.09.2020, recorded that the petitioner had been a licensee under the Corporation and that his rights were disrupted on account of the project developments. Considering the petitioner's case sympathetically, this Court made it clear that the mandate issued by the Hon'ble Division Bench of this Court will have to be complied with in letter and spirit and the respondent Corporation could allocate the sites which are not objectionable and the sites which are not used by pedestrians, for the purpose of the petitioner's shop without disrupting the development project. However, the said order was not complied by the respondent corporation and so far an alternate site has not been allocated by the respondent corporation, hence this Writ Petition seeking to allocate an alternate site for running his business.

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6. The learned counsel appearing for the 3rd and 4th respondents had filed a counter affidavit and submitted that the petitioner has made a representation dated 16-3-2024, with a request for allotment of an alternative site. On receipt of the same inspections were carried out by the Assistant Engineers of Zone-1, Ward No.5 and Zone-3, Ward No.52 at the locations requested by the petitioner. Upon inspection, it was found that overhead water tank near Narayanapuram Commercial Complex is presently in use. The said land belonged to Public Work Department and also form part of OduvarKanmoi (tank) area. Further, the commercial complex located in the said area is also proposed to be demolished, pursuant to the orders of this Court.

7. The learned Standing Counsel appearing for the respondents 3 and 4 also pointed out that the location indicated by the petitioner, namely Keela Avani Moola Veedhi, Madurai, is a highly congested traffic zone. Therefore permission cannot be granted for setting up a roadside shop in that area as reported. He categorically contended that it is informed that the Corporation is not in a position to provide an alternative site to the petitioner as requested by him and it is also advised that the petitioner may approach the Street Vending Committee to get an alternate place to shift his shop.

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8. Heard either sides and carefully perused the materials available on record.

9. The contention of the learned counsel for the respondents 3 and 4, that the petitioner may approach the Street Vending Committee, seems quite ridiculous. Even if the said argument is considered to be given, it is for the third respondent to pass appropriate orders directing the Street Vending Committee concerned, to immediately make allocation for the petitioner with an alternate site facilitating his livelihood. Having not done so, a counter affidavit has been filed by the 3rd and 4th respondents with much lethargy and irresponsibility without heeding to the request of a common man who had been running a petty shop for years together for his livelihood. Now that the petitioner is in streets for the past nearly six years, he has been made to run between pillar and post seeking for an alternate site just for the sake of putting up his petty shop and continuing his business. Such a situation is abominable and would prove the lethargy of the officers in-charge who are to establish a welfare state on behalf of the Government.

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10. Hence, this Court is of the considered view that the third respondent should forthwith allocate, either by his own order or by directing the Street Vending Committee to provide an appropriate place in Keela Avani Moola Veedhi, Madurai for putting up a petty shop for the petitioner.

11. Post the matter, 'for compliance' on **06.11.2026**. In case of failure to comply with the order of this Court by letter and spirit before 05.11.2026, it will warrant imposition of a cost of Rs.1,00,000/-(Rupees One Lakh only) on the third respondent.

28-10-2026

Note : Issue order copy on **28.10.2026**

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To

1. The Divisional Engineer, Highways (Constructions and Maintenance)
   Near Thamaraithotti, Alagar Kovil Main Road
   K.Pudur, Madurai

2. The Project Director, National Highways Authority of India
   Plot No.3, Sooriya Towers 2nd Floor
   1st Street, K.K.Nagar, Madurai - 20

3. The Commissioner, Madurai Corporation, Madurai - 20

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L.VICTORIA GOWRI, J.

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