

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2015

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14547 of 2015
& M.P.No.1 of 2015

1 P.Kandasamy .. Petitioner

Vs.

1 The Commissioner
Salem Corporation
Salem

2 Assistant Commissioner
Salem Corporation
Sooramangalam Ward
Salem

3 State rep. by the
Secretary to Government
Municipal Administration
& Water Supply Department
Fort St. George
Chennai-9

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus forbearing the respondents, their men, agents, servants, subordinates or anyone acting on their behalf from in any manner dispossessing the petitioner from running the Book Stall in the Place allotted to petitioner in Salem New Bus Stand. Salem

For Petitioner : Mr.J.Franklin

For Respondents : Mr.A.Kumar, Spl.Govt.Pleader for R3
Mrs.K.Bhuvaneswari for R1 & R2

O R D E R

The Writ Petition has been filed for a Writ of Mandamus, forbearing the respondents from in any manner dispossessing the petitioner from running the Book Stall in the Place allotted to him in Salem New Bus Stand, Salem, without any notice.

2. The first respondent herein allotted a shop in favour of the petitioner for running a shop to sell the Tamil publications in the Eastern platform of Salem New Bus Stand by fixing the monthly rent of Rs.300/-. The petitioner has also paid an advance amount of Rs.5,000/-. The petitioner has put up a petty shop in the place allotted in his favour and is selling Tamil books to eke out his livelihood.

3. While so, on 29.10.2012 Salem Corporation Council Meeting was held and in the meeting various agendas were passed. One of such agenda is to cancel the licence granted to the petitioner to run the shop. The reason assigned for cancellation of licence is that the petitioner has violated the conditions of licence. Aggrieved over the same, the petitioner has earlier filed a Writ Petition in W.P.No.32809 of 2012. Subsequently, he has withdrawn the said Writ Petition.

4. The petitioner has paid the monthly rents upto October 2012. Subsequently, when the rents were tendered, without any rhyme or reason, the first respondent refused to receive the same. While so, all of a sudden, on 7.5.2015, without any notice, the second respondent came to the petitioner's shop along with his employees and threatened him to vacate the shop.

5. The learned counsel for the petitioner submitted that the petitioner is prepared to pay the entire arrears of rent as on date. Hence, he prays that a direction may be given to the respondents, restraining them from dispossessing the petitioner in running the Book Stall. The learned counsel for the petitioner had also submitted that the petitioner has also given a representation to the respondent on 17.4.2015.

6. Heard the submissions made by the learned counsel on either side and perused the materials available on record.

7. Considering the facts and circumstances of the case and the submissions made by the learned counsel on both sides, I am of the view that instead of giving a positive direction, this Court can direct the respondents to consider the representation, which was already given by the petitioner dated 17.4.2015 and pass appropriate orders.

8. Accordingly, the respondents are directed to consider the representation of the petitioner dated 17.4.2015 on merits and in accordance with law and pass orders, within a period of four weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to dispossess the petitioner from running the Book Stall in the place allotted to him in Salem New Bus Stand, Salem.

9. The Writ Petition is disposed of with the above direction. No costs. The connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

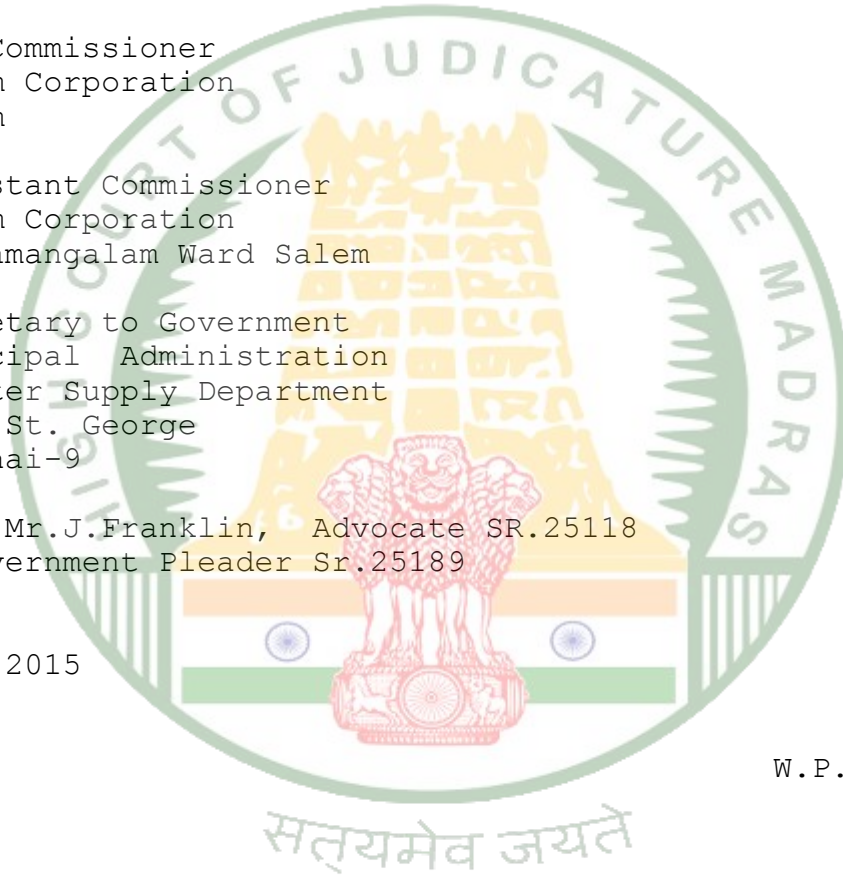
ajr

To

- 1 The Commissioner
Salem Corporation
Salem
- 2 Assistant Commissioner
Salem Corporation
Sooramangalam Ward Salem
- 3 Secretary to Government
Municipal Administration
& Water Supply Department
Fort St. George
Chennai-9

+ 1 cc to Mr.J.Franklin, Advocate SR.25118
+ 1 cc Government Pleader Sr.25189

PA(CO)
EU 20.05.2015



W.P.No.14547 of 2015

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