

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.9340 of 2015 and
M.P.No.1 of 2015

T.Saraswathi

... Petitioner

vs.

The Commissioner,
Paladam Municipality,
Municipal Administration cum
Water supply Department,
Palladam, Tirupur District

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for a issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the Notice issued by the respondent herein in Na.Ka.No.1422/2014/A1 dated 13.01.2015 in respect of the vacant site-shop no.1 in the Palladam Bus-stand, Palladam, Tiruppur District and quash the same and further direct the respondent herein to renew the lease to the petitioner for the vacant site-shop no.1 in the palladam bus-stand, palladam, Tirupur district as per G.O.Ms.No.92/Municipal Administration & Water supply Dept/ dated 03.07.2007, apart from extending the lease for the period lost in Bus-stand renovation work between 03.08.2014 and 17.02.2015.

For Petitioner : Mr.P.M.Duraiswamy

For Respondent : Mr.D.Suriya Narayanan
Government Advocate

O R D E R

Heard Mr.P.M.Duraiswamy, learned counsel appearing for the petitioner and Mr.D.Suriya Narayanan, learned Government Advocate appearing for respondent and perused the materials placed on record. With the consent on either side, the Writ Petition itself is taken up for final disposal at the admission stage.

2. The petitioner has filed this Writ Petition praying for a issuance of Writ of Certiorarified Mandamus to quash the order passed by the respondent dated 13.01.2015 and to direct the respondent to renew the lease in favour of the petitioner.

3. Admittedly, the impugned order was passed in January, 2015 granting time to the petitioner to vacate the shop in question on 31.03.2015. However, the petitioner did not raise any objection nor made any representation for extending her lease nor disputed the allegation in the impugned order stating that certain repair work have to be effected in the said area and in the last minute, when auction has been notified to be conducted on 01.04.2015, the petitioner has filed this Writ Petition.

In the light of the above facts, at this juncture, the question of injuncting the respondent from conducting auction does not arise and hence this Writ Petition is dismissed. However, liberty is granted to the petitioner to participate in the auction. Consequently connected miscellaneous petition is closed. No costs.

ssd

-s/d-
Assistant Registrar(CO)
Dt:31/3/2015

True Copy

Sub-Assistant Registrar

To

The Commissioner,
Paladam Municipality,
Municipal Administration cum
Water supply Department,
Palladam, Tirupur District

+ 1 cc to M/s.P.M.Duraiswamy, Advocate SR 9340

br(co)
prk31/3

सत्यमेव जयते

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