

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 30-03-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.11872 OF 2016

Thirupur Municipality Shop Merchants Association,
rep.by its Secretary R.Muthusamy ... Petitioner

-vs-

- 1.State,
rep.by the Secretary,
Municipal Administration and Water Supply,
Fort St.George,
Chennai-600 009.
- 2.The Commissioner,
Thirupur Corporation,
(Formerly Thirupur Municipality)
Thirupur,
Coimbatore District. ... Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the second respondent to dispose of the representation, dated 12.06.2015, sent by the petitioner association in accordance with the directions issued by this Hon'ble Court in W.P.No.20997 of 2015 on 11.12.2015.

For petitioner : Mr.C.S.Dhanasekaran
For respondent 1 : Mr.R.Rajeswaran,
Spl.Govt.Pleader.
For respondent 2 : Ms.P.Shanthi

O R D E R

Heard Mr.C.S.Dhanasekaran, learned counsel for the petitioner; Mr.R.Rajeswaran, learned Special Government Pleader, for respondent 1; and Ms.P.Shanthi, learned counsel for respondent 2.

2. Petitioner, earlier, approached this Court, by filing W.P.No.20997 of 2015. In the said writ petition, challenge was to the proceedings of the second respondent Corporation, refusing to renew the lease period of the shops of the members of the petitioner association up to 31.03.2018. The Court considered the matter in detail, heard the parties, and, by an order dated 11.12.2015, allowed the writ petition, setting aside the order impugned therein, dated 24.06.2015. The second limb of the prayer in the earlier writ petition to renew the lease period of the shops up to 31.03.2018 was not granted and, instead, a direction was issued to the second respondent Corporation. At this stage, it would be necessary to take note of the operative portion of the order, which reads as follows :

"8. In the light of the above, the Writ Petition is allowed and the impugned order is quashed and the matter is remanded to the 2nd respondent for fresh consideration to comply with the above directions issued by this Court after affording opportunity of personal hearing to the petitioner Association on behalf of its members, however individual notices to all the aggrieved lessees shall be issued which is stated to be 90. It is made clear that the above exercise is required to be carried out only in respect of persons who became lessees prior to 03.07.2007 and the present writ petition also pertains only to such of those lessees who are said to be 90 in numbers."

3. In terms of the above direction, the respondent Corporation was directed to afford an opportunity of personal hearing to the petitioner association on behalf of its members, making it clear that it would be only in respect of the persons, who became lessees prior to 03.07.2007.

4. The present Writ Petition has been filed, stating that this Court having quashed the order, dated 24.06.2015, should consider the petitioner's representation, dated 12.06.2015. This submission is wholly misconceived, as this Court did not grant full relief, while allowing the Writ Petition, and after quashing the impugned order in the earlier Writ Petition, a direction was issued to the authority to act in a particular manner. Admittedly, as against the said order in the earlier Writ Petition, no appeal has been preferred by the petitioner, and, it is the submission of the learned counsel for the second respondent that notices were issued and the parties also appeared and the respondent is in the process of revaluation.

5. Therefore, the prayer sought for in the present Writ Petition cannot be granted. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected W.M.P.No.10242 of 2016 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Secretary,
Municipal Administration and Water Supply,
Fort St.George,
Chennai-600 009.

2.The Commissioner,
Thirupur Corporation,
(Formerly Thirupur Municipality)
Thirupur,
Coimbatore District.

+1 cc to Mr.C.S.Dhanasekaran Advocate sr.19800
+1 cc to Ms.Shanthi Advocate sr.19855
+1 cc to Government pleader sr.20049

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