



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.14492 of 2016

and

W.M.P(MD) No.10740 of 2016

Mohammed Asik Ali

...Petitioner

Vs.

The Executive Officer,
Lalgudi Town Panchayat,
Lalgudi,
Trichy District.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of a Mandamus directing the respondent to permit the petitioner to occupy the existing inner shop No.1 of Town Panchayat Bus Stand Complex, Lalgudi, Trichy District.

For petitioner : Mr.N.Anandakumar
For respondents : Mr.Aairam K.Selvakumar
Govt. Advocate

O R D E R

Mr.Mohammed Asik Ali is a small scale business man, running a shop in the name and style of "Nowsath General Stores" at Shop No.1 in Town Panchayat Bus Stand Complex, Lalgudi, which was allotted by the Lalkudi Town Panchayat, vide proceedings, dated 17.08.2008, had originally allotted the said shop in 2006. The whole family of the petitioner is depending on the petitioner's income from the said shop measuring only 80 sq.ft. (8 x 10). While so, on 02.06.2015, the respondent issued a letter, demanding the petitioner to vacate the said shop within 24 hours on the request of the Tashildar to lay a service road attaching the Railway over bridge. Consequently, the petitioner handed over the inner side of shop No.1. He was also temporarily allowed to construct a shop and now, he is running the shop in the bus shelter from July 2015 and paying the rent for the same to the respondent. Since he is not able to make out any income, he has given a representation, dated 26.07.2016, stating that after 20 sq.ft. was removed from his original petty shop, 60 sq.ft of land is remaining there and therefore, if that place is allotted back to him, he would be able to resume his petty shop business. In this regard, he seeks for a direction to the respondent to consider the said representation and pass orders on merits, no prejudice should be caused anywhere.



2. Mr.Aairam K.Selvakumar, takes notice for respondent and submits that the petitioner has already been accommodated in a visitor shelter of the same complex. His request for re-accommodation in the remaining place of 60 sq.ft., is not possible and he can continue in the present place. However, if a direction is given to consider his representation, a speaking order would be passed.

3. Recording the above said statement, the respondent is directed to consider the representation of the petitioner, dated 26.07.2016, and pass a speaking order, on merits and in accordance with law, so that the petitioner could pay the rental amount to the respondent, within a period of four weeks from the date of receipt of a copy of this order.

4. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

The Executive Officer, Lalgudi Town Panchayat,
Lalgudi, Trichy District.

+1cc to M/s.N.Anandakumar, Advocate in SR.43862

+1cc to the Special Government Pleader, in SR.44139

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