



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD).No.14539 of 2016

and

W.M.P. (MD).Nos.10805 and 10804 of 2016

S.Arimuthu

... Petitioner

Vs

1.The Commissioner,
Municipality Administration and
Water Supply Department,
Chepauk, Chennai.

2.The Commissioner,
Kovilpatti Municipality,
Kovilpatti,
Tuticorin District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the second respondent herein dated 29.07.2016 and to quash the same in respect of item No.1 in Sl.No.1 of Shop Nos.1 to 12 in Anna Bus Stand at Kovilpatti Western Side ground floor shops as illegal and arbitrary and consequently direct the respondents herein to allot any one of the shop mentioned above to the petitioner.

For petitioner :Mr.M.Thirunavukkarasu

For R.1 :Mr.G.Muthukannan
Government Advocate

For R.2 :Mr.M.Saravanan

ORDER

Mr.S.Arimuthu, wife of M.Saravanan, was allotted a shop in Kovilpatti Bus Stand by the respondents and he has been running the same for the last 30 years. Owing to the fact that the bus stand/building, in which the petitioner runs the shop, is in a dilapidated stage, after getting a Report from the Government College of Engineering, Tirunelveli, the second respondent took a decision to demolish the existing bus stand



for raising a new construction. Consequently, the second respondent, after taking over possession from the respective tenants, has also reconstructed the building.

2. At this juncture, it is submitted by the learned Counsel for the petitioner that the respondents shall allot one of the shops on "priority basis" to the petitioner/erstwhile lessee. Further, the lease of the petitioner will expire only in the year 2018. That being so, the respondents are going for public auction, which is impermissible in law.

3. On the other hand, learned Counsel for the second respondent submitted that the contention of the petitioner that the lease period comes to an end only in the year 2018 is factually wrong. According to him, the Notice dated 02.09.2015, issued by the second respondent, which has been acknowledged by the husband of the petitioner, would show that the lease period already expired on 31.03.2015. In the said notice, it is specifically stated that no priority will be given to the erstwhile lessees in the matter of allotment of shops in future. Therefore, he prayed that this Writ Petition is liable to be dismissed.

4. Considered the rival submissions made on either side and perused the materials available on record.

5. A perusal of the Notice, dated 02.09.2015, would indicate the fact that the lease of the petitioner has come to an end wayback in the year 2015 and the said Notice has not been put to challenge by the petitioner so far and therefore, the submission of the petitioner that his lease continues till 2018, is a mere myth. Thus, there is no merit whatsoever in the contentions of the learned Counsel for the petitioner. Therefore, this Writ Petition fails and the same is liable to be dismissed.

6. In the result, this Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/



ssm
To

1.The Commissioner,
Municipality Administration and
Water Supply Department,
Chepauk, Chennai.

2.The Commissioner,
Kovilpatti Municipality,
Kovilpatti,
Tuticorin District.

+1CC to Mr.Thirunavukarasu, Advocate Sr.No.45108

+1CC to Mr.M.Saravanan, Advocate Sr.No.45524

GJM/GSV/PM/7.9.16-3p-5c

W.P (MD) .No.14539 of 2016
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