



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2016

CORAM :

WEB COPY

THE HONOURABLE MR. SANJAY KISHAN KAUL, CHIEF JUSTICE

and

THE HONOURABLE MR. JUSTICE V. RAMASUBRAMANIANWrit Petition (MD) No.5046 of 2013andW.M.P (MD) No.774 of 2016

V. Rameshkumar

... Petitioner

Vs.

The Commissioner,
Kumbakonam Municipality,
Kumbakonam,
Thanjavur District.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, pertaining to the petitioners applications for renewal of lease and license to the Bunk Stall-Tea Stall situated at No.17 Eastern side Near Thiyagarajan Park West Street Kasi Vishwanathar Kovil, Kumbakonam, Thanjavur District and direct the respondent to issue proper receipts [Prayer amended as per order dt.26.08.14 in MP.2/13]

For Petitioner
For Respondent

: Mr.T.R.Subramanian
: Mr.P.Srinivas

ORDER

(Order of the Court was made by **The Hon'ble The Chief Justice**)

The petitioner claims right to occupy a bunk shop near one of the tanks claiming to be son of the original licensee P.Veerassamy.

2.The counter affidavit shows that the respondent seeks to throw a doubt as to whether the petitioner is at all the son of P.Veerassamy. Such a doubt is stated to arise from the fact that the notices issued to P.Veerassamy have been returned unserved as the person is not available at the given address and also by the reason of the voter's identity card.

3.The matter does not rest at this, since the respondent-municipality also claims that the licence period has expired and they are not desirous of renewing the licence. It is also alleged that the bunk shop area has been extended and encroached to the extent of 4.70x3.50 meter. It is, in these circumstances, the respondent states that they propose eviction proceedings in accordance with law.



4. In our view, all these aspects, cannot be examined in the present proceedings and once the respondent has assured that they will proceed in accordance with law, the immediate apprehension of the petitioner would not arise. We thus dispose of the writ petition with liberty to the respondent to proceed only in accordance with law, for eviction of the petitioner. No costs. Consequently, W.M.P. (MD) No. 774 of 2016 is closed.

Sd/-

Assistant Registrar (R)

/True Copy/

Sub Assistant Registrar

To

The Commissioner,
Kumbakonam Municipality,
Kumbakonam,
Thanjavur District.

+1cc to Mr. T. R. Subramanian, Advocate SR.No. 3439

+1cc to Mr. P. Srinivas, Advocate SR.No. 3557

akm/01.02.2016/ 2p- 4c/NGM/SS

Writ Petition (MD) No. 5046 of 2013
and
W.M.P (MD) No. 774 of 2016
21.01.2016