

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.11943 of 2017
and W.M.P.No.12834 of 2017

D.Aruldass Praveen

..Petitioner

Vs.

1. State rep. by
Udhagamandalam Municipality,
rep. by its Commissioner,
Udhagamandalam, The Nilgiris District.

2. Devadoss
National Bakery,
UMC Market (Near Anna Dhani Coffee),
Udhagamandalam, The Nilgiris District
Pincode - 643 001.

..Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to grant license to the petitioner with respect to the tea stall premises at Ooty Market in No.6, IUDP STALL, MS LANE.

For Petitioner : Mr.I.John Arockiadas

For Respondents : Mr.P.Srinivas (For R1)

सत्यमेव जयते
O R D E R

The petitioner, who is stated to be running a tea stall at Ooty Market in No.6, IUDP STALL, MS LANE, has filed the present writ petition seeking license from the first respondent.

2.It appears that the petitioner is a sub-lessee from the second respondent.

3.Learned counsel appearing for the petitioner would submit that he should pay the requisite payment to the first respondent and therefore his request will have to be considered.

4.Learned counsel appearing for the first respondent would submit that on enquiry it was found out that the lessee, namely, the second respondent, has sub-letted to the petitioner. Therefore, by following the due procedure, the license was cancelled. Now there is a proposal to auction the said right which would be completed within a period of three months.

5.By way of reply, the learned counsel appearing for the petitioner would submit that considering the aforesaid facts the petitioner may be permitted to run the stall which has been locked.

6.Though the petitioner does not have neither a legal right nor a vested right, the fact remains that he has been running the tea stall, but now the license itself has been cancelled. Therefore, this Court is of the view that till the auction is completed and the successful tenderer is identified, it would be appropriate to permit the petitioner to run the tea stall since in the process the first respondent also would be benefited. There is no necessity to hear the second respondent since his license has already been cancelled.

7.In such view of the matter, a direction is issued to the first respondent to complete the process of auction of the tea stall in question within a period of three months from the date of receipt of a copy of this order. Till such time, the petitioner is permitted to run the same subject to the requisite payment to the first respondent. Therefore, the first respondent is directed to remove the lock so as to enable the petitioner to run the tea stall as indicated above. The petitioner is also at liberty to take part in the proposed auction.

8.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

cse

To

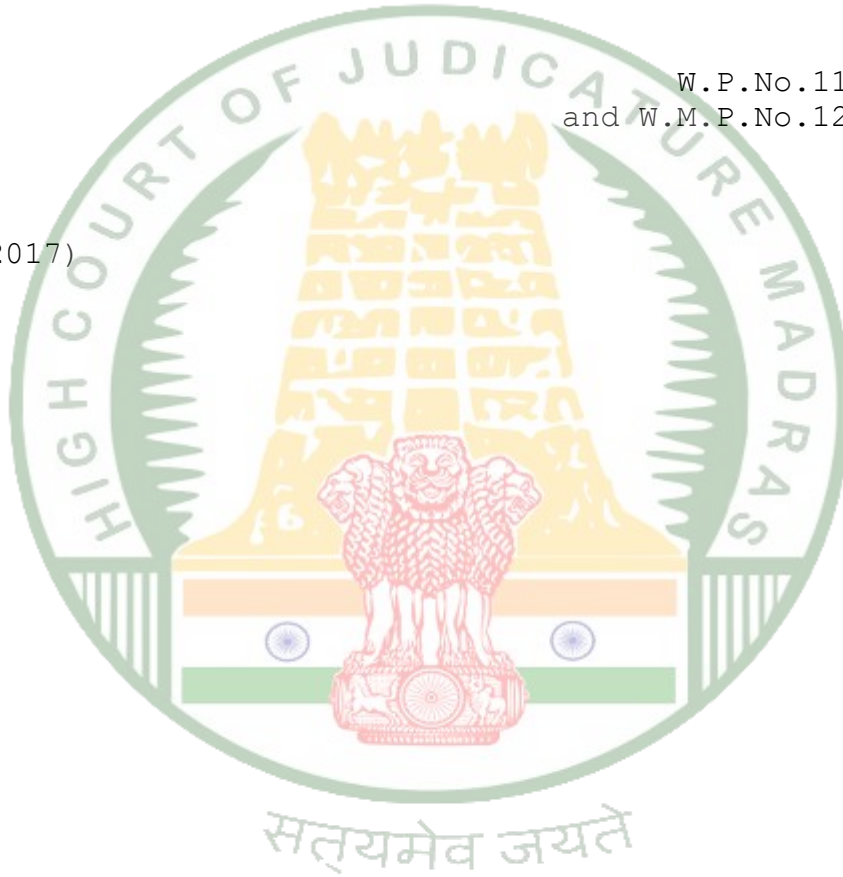
Udhagamandalam Municipality,
rep. by its Commissioner,
Udhagamandalam, The Nilgiris District.

+lcc to M/S.J.John Arockiadas, Advocate Sr. 42308

+lcc to Mr.P.Srinivas, Advocate Sr. 42588

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NR(CO)
VR(19/06/2017)



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