

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2017

CORAM

The HON'BLE MR. JUSTICE M.M. SUNDRESH

W.P.No.29906 of 2015

S.Sasikala

.. Petitioner

vs.

The Commissioner,
Cuddalore Municipality,
Cuddalore Post, Cuddalore District. .. Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records pertaining to the notice of the respondent bearing Na.Ka.No.10305/2015/A2 dated 17.08.2015 and quash the same and also direct him to consider the petitioner's representation dated 22.07.2015 to allot any existing shop or any one shop to the petitioner after completion of new construction with the same conditions regarding lease period, advance and rent amount that may be provided to other 35 lessees of the shops mentioned in the order dated 25.11.2013 of the Division Bench in W.A.No.1175 of 2011.

For Petitioner .. Mr.R.Prabhu

For Respondent .. Mr.P.Chinnadurai,
Govt. Advocate

ORDER

Challenging the notice of the respondent dated 17.08.2015 and to direct the respondent to consider the representation dated 22.07.2015, the petitioner has come up with the present writ petition.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

3.The petitioner's father was the original lessee of shop belonging to the respondent. On an earlier occasion, a writ petition was filed by the legal heirs of the original lessees

like that of the petitioner and orders have been passed in W.P.No.33601 of 2014 and W.A.No.1175 of 2011. Accordingly, the legal heirs of the deceased original lessees have been given the shops and the remaining were put up for public auction. Now the petitioner seeks the same relief as that of the persons who got the benefit pursuant to the orders passed by this Court.

4.In the counter affidavit filed by the respondent, it has been stated as follows:

".....In any event if any vacancy arose or when there is any proposal to construct another floor or additional construction in the above said place the request of the petitioner will be considered favourably to allot a shop as per the direction of this Hon'ble Court."

5.In view of the aforesaid stand taken by the respondent, the respondent shall consider the case of the petitioner as and when a new vacancy arises or if any in existence by way of additional construction. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Commissioner,
Cuddalore Municipality,
Cuddalore Post, Cuddalore District.

+1cc to Mr.P. Chinnadurai, Advocate, S.R.No.23604
+1cc to Mr.R. Prabhu, Advocate, S.R.No.23588

mp (CO)
md(24/04/2017)

W.P.No.29906 of 2015