

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.11.2017

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7431 of 2004
and
W.P.M.P.No.8794 of 2004

R.Usharani ... Petitioner
Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner,
Vellore Municipality,
Vellore. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance a Writ of Certiorari to call for the records of the second respondent relating to the order dated 17.03.2004 in Ref.No.Na.Ka.No.1441/2004/A14, issued by the second respondent and quash the same.

For Petitioner : Mr.K.S.Natarajan
For Respondents : Mr.S.Diwakar, Spl.G.P. for R-1
Ms.P.Shanthi for R-2

ORDER

The petitioner has come forward with above Writ Petition praying for issuance of a Writ of Certiorari to call for the records of the second respondent relating to the order dated 17.03.2004 in Ref.No.Na.Ka.No.1441/2004/A14, issued by the second respondent and quash the same.

2. The petitioner's father-in-law was having a sugarcane shop measuring 40 Sq.Ft in Vellore Municipal Bus Stand which was allotted by the first respondent. After his demise, the petitioner made a request to allot the said shop to her, which was rejected by the second respondent by the impugned order dated 17.03.2004, stating that on the demise of her father-in-law, the allotment of shop cannot be granted in her favour. Challenging the same, the petitioner has filed this Writ Petition.

3. While admitting the Writ Petition on 24.03.2004, this Court granted an interim order of stay of the impugned order. From 2004, the petitioner has been enjoying the place, of course, paying nominal charges as lease amount to the respondents. The petitioner is already running the shop in the said place for more than nine years. Firstly, the petitioner has no locus-stand to question the action of the respondents. Even assuming that the order of the second respondent is wrong, as the nine-year period is over in terms of G.O.Ms.No.92, Municipal Administration and Water Supply Department, dated 03.07.2007, the petitioner will have to participate in the auction and pay the present rent, if she becomes the successful bidder.

4. Hence, on the above two grounds, this Court is not inclined to grant the relief sought for by the petitioner. Learned Special Government Pleader appearing for the first respondent submitted that if the petitioner is willing to pay the revised rent, as on date, the case of the petitioner will be considered. Recording the said submission of the learned Special Government Pleader, this Writ Petition is dismissed. No costs. Consequently, W.P.M.P. is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

cs
To

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner,
Vellore Municipality, Vellore.

+lcc to M/s.P.Shanthi, Advocate Sr.No.82817
+lcc to Mr.K.S.Natarajan, Advocate Sr.No.83381
+lcc to Government Pleader SR.No.83705

W.P.No.7431 of 2004

sm:13.12.2017