IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2017

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.Nos.5780 to 5782, 7201 and 7250 of 2003
and
W.P.M.P.Nos.7439, 7434 and 9231 of 2003

K.Poorna Chandran .. Petitioner in W.P.No.5780/2003

P.Senthil Prabu .. Petitioner in W.P.No.5781/2003

P.Thangavelu .. Petitioner in W.P.No.5782/2003

Dhanalakshmi .. Petitioner in W.P.No.7201/2003

A.J.Anwar Sadad .. Petitioner in W.P.No.7250/2003

.. Vs ..

1. The State of Tamil Nadu,
   Rep. by, The Secretary to Government,
   Municipal Administration & Water
   Supply Department,
   Fort St. George,
   Chennai - 600 009.
2. The Commissioner,
   Mettupalayam Municipality,
   Mettupalayam.
3. The Chairman,
   Mettupalayam Municipality,
   Mettupalayam. .. Respondents in all W.Ps.

Prayer in W.P.No.5780/2003:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records of the third respondent herein, pertaining to Resolution pertaining to Cancellation of shops (No.416), dated 24.01.2003 and consequential order issued by the second respondent herein, vide Na.Ka.No.2182/2002/A1, dated 24.01.2003, and quash the same and consequentially forbear the respondents herein, their men or subordinates, from interfering with the petitioner's rights in respect of Shop No.6 in the Old Bus Stand, Ooty Main Road, Mettupalayam Municipality, except in accordance with law.

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Prayer in W.P.No.5781/2003:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records of the third respondent herein, pertaining to Resolution pertaining to Cancellation of shops (No.416), dated 24.01.2003 and consequential order issued by the second respondent herein, vide Na.Ka.No.2182/2002/A1, dated 24.01.2003, and quash the same and consequentially forbear the respondents herein, their men or subordinates, from interfering with the petitioner's rights in respect of Shop No.3 in the Anna Daily Market, Annajiraw Road, Mettupalayam Municipality, except in accordance with law.

Prayer in W.P.No.5782/2003:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records of the third respondent herein, pertaining to Resolution pertaining to Cancellation of shops (No.416), dated 24.01.2003 and consequential order issued by the second respondent herein, vide Na.Ka.No.2182/2002/A1, dated 24.01.2003, and quash the same and consequentially forbear the respondents herein, their men or subordinates, from interfering with the petitioner's rights in respect of Shop No.42 in the Jawahar Bus Stand, Mettupalayam Municipality, except in accordance with law.

Prayer in W.P.No.7201/2003:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records of the third respondent herein, pertaining to Resolution dated 24.01.2003 and consequential order issued by the second respondent herein, vide Na.Ka.No.2182/2002/A1, dated 24.01.2003, and quash the same and consequentially forbear the respondents herein, their men or subordinates, from interfering with the petitioner's rights in respect of Shop No.3 in the Bus Stand Complex, Bus Stand, Mettupalayam Municipality, except in accordance with law.

Prayer in W.P.No.7250/2003:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records of the third respondent herein, in Resolution dated 24.01.2003 pertaining to Cancellation of shops and consequential order issued by the second respondent herein, vide Na.Ka.No.2182/2002/A1, dated 24.01.2003, and quash the same and consequentially forbear the respondents herein, their men or subordinates, from interfering with the petitioner's rights in respect of Shop No.1 in the Old Bus stand, Mettupalayam Municipality, except in accordance with law.

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In all W.Ps.

For Petitioners : Mrs.Aishwarya S. Nathan
For Respondents : Mr.V.Jayaprakash Nayrayanan, Spl.G.P

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COMMON ORDER

Heard Mrs.Aishwarya, learned counsel appearing for the petitioners and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents.

2. All the petitioners in these writ petitions are the respective legal heirs of the allottees of different shop premises in the building owned by Mettupalayam Municipality. After the death of the original allottees, the petitioners made applications before the Municipality for transferring the allotments in their names which were rejected by the Municipality. Challenging which, the petitioners are before this Court with the above writ petitions.

3. At the time of admission, the petitioners were granted interim stay by this Court for a limited period. During the pendency of these writ petitions, the Government of Tamil Nadu has passed G.O.Ms.No.92, Municipal Administration and Water Supply (NaNi4) Department, dated 03.07.2007, under which, the claim of legal heirs of the original allottees for change of names in the allotments order was directed to be considered on certain conditions. That apart, the Government has also addressed the communication dated 24.06.2016 to the Government Pleader in which it is stated that the Government is proposing to amend the municipal rules relating to the grant of lease on certain conditions.

4. In view of the aforesaid development, nothing survives in these writ petitions and the same are accordingly dismissed as infructuous. However, it is open to the petitioners to work out their remedies in the manner known to law either under G.O.Ms.No.92, Municipal Administration and Water Supply (NaNi4) Department, dated 03.07.2007 or under amendment that may be made by the Government from time to time. Consequently, the connected miscellaneous petitions are closed. No costs.

s/d-
Assistant Registrar(CS-III)

//True Copy//

Sub-Assistant Registrar

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To

1. The Secretary to Government,
   The State of Tamil Nadu,
   Municipal Administration & Water
     Supply Department,
   Fort St. George,
   Chennai - 600 009.

2. The Commissioner,
   Mettupalayam Municipality,
   Mettupalayam.

3. The Chairman,
   Mettupalayam Municipality,
   Mettupalayam.

+1 CC to Govt. Pleader sr 2055
+2 Ccs to M/s. Srinath sridevan Advocate sr 2290

W.P.Nos.5780 to 5782, 7201
and 7250 of 2003

GR(CO)
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