

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2017

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.Nos.13516 & 13517 of 2003 and  
W.M.P.No.16941 of 2003 in  
W.P.No.13517 of 2003

A.Abdul Malick ...Petitioner in W.P.No.13516/2003

M.Zaffrullah Khan ... Petitioner in W.P.No.13517/2003

... 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,  
Municipality,  
Mettupalayam.
3. The Chairman,  
Mettupalayam Municipality counsel,  
Mettupalayam. ... Respondents in all W.Ps.

Common Prayer:- 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 No.416, dated 24.01.2003, pertaining to cancellation of shops and quash the same and consequentially direct the respondents to renew the lease rights in respect of shop No.4, Srirangarayar Odai, Srimugai Road, Mettupalayam Municipality for a further period of three years from 01.04.2003.

For Petitioner  
in both W.Ps : Mr.Srinath Sridevan

For Respondents  
in both W.Ps : Mr.V.Jayaprakash Nayrayanan

COMMON ORDER

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

2.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 petition is closed. No costs.

sd/

Assistant Registrar

/true copy/

Sub Assistant Registrar

To

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

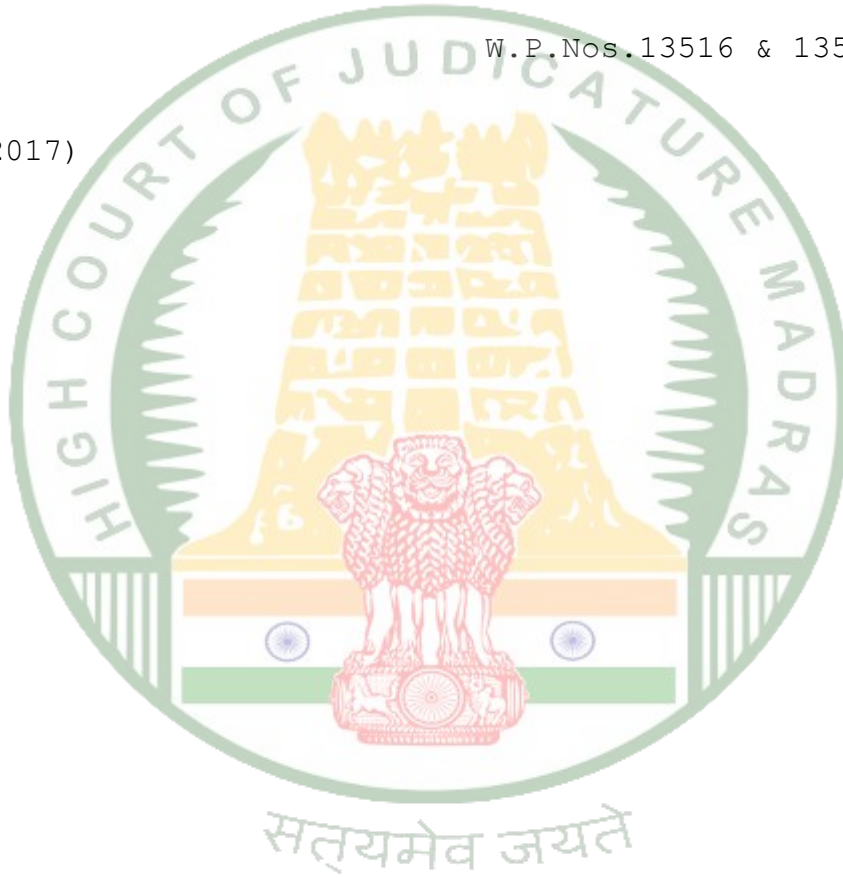
2. The Commissioner,  
Mettupalayam Municipality,  
Mettupalayam.

3. The Chairman,  
Mettupalayam Municipality,  
Mettupalayam.

+lcc to Mr.Srinath Sridevan, Advocate SR.No.8734

W.P.Nos.13516 & 13517 of 2003

RJ(CO)  
GN(22/02/2017)



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