

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 18.09.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P. (MD)No.21374 of 2015****and****M.P (MD)No.1 of 2015**

Mohammed Sidiq Ali

... Petitioner

Vs.

1. The Commissioner,
Karaikudi Municipality,
Sivagangai,
Sivagangai District.

2. N.Kathar Mohaideen

... Respondents

[R2 is impleaded vide order
dated 08.08.2017]

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the Impugned Notice in Na.Ka.No.697/2013/A1 dated 26.11.2015 issued by the respondent and to quash the same and consequently direct the Respondent to permit the Petitioner to run the shop No.5 at Rajaji Bus Stand, Karaikudi, Sivagangai District with the existing entrances on the North and Western side of the Shop.

For Petitioner : Mr.M.R.Sreenivasan
For Respondents : Mr.P.Mahendran for R.1
Mr.J.Jeyakumaran for R.2

ORDER

This Writ Petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned Notice of the first respondent in Na.Ka.No.697/2013/A1 dated 26.11.2015 and consequently to direct the first respondent to permit him to run



the Shop No.5 at Rajaji Bus Stand, Karaikudi, Sivagangai District with the existing entrances on the Northern and Western side of the Shop.

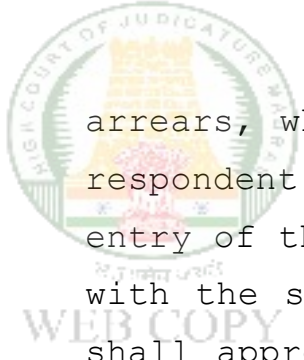
2. According to the petitioner, he was allotted with Shop No.5 at Rajaji Bus Stand, Karaikudi, Sivagangai District, by proceedings of the first respondent dated 30.01.2012, for a monthly rent of Rs.1,495/-. The said lease period was extended for a further period of three years, from 01.04.2013. While so, the first respondent issued the present impugned notice dated 26.11.2015, stating that the petitioner has put up an entry on the northern side of the wall without any permission and directed the petitioner to close down the same. Challenging the same, the present petition came to be filed.

3. The learned Counsel for the first respondent, on instructions, submitted that the petitioner was allotted with Shop No.5, with its entry facing the western side, whereas, the petitioner himself put up an entry on the northern side by demolishing the wall illegally, without obtaining prior permission and hence, the impugned notice came to be issued to close down the same.

4. Heard the learned Counsel appearing for on either sides and perused the documents placed on record.

5. In the earlier rounds of litigation, this Court, directed the petitioner to remit the entire arrears and to close down the illegal northern entry and in order to ascertain the exact scenario, this Court appointed an Advocate Commissioner, who in turn has filed a detailed report and the same is perused.

6. Today, it is reported by the learned Counsel for the petitioner, as directed by the Court, the petitioner has complied with the conditions partially, by remitting the entire



arrears, which is not refuted by the learned Counsel for the first respondent. But the petitioner had not closed down the northern entry of the shop, till date, who in turn is now directed to comply with the same, forthwith, without fail. Thereafter, the petitioner shall approach the first respondent with proper representation for his grievances. On receipt of the same, the first respondent shall consider the same and pass appropriate orders regarding the petitioner's claim as well as renewal of the lease, on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks, thereafter.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

The Commissioner,
Karaikudi Municipality,
Sivagangai,
Sivagangai District.

+1cc to M/S. M.R.SREENIVASAN, Advocate, SR.No.79384.
+1cc to M/S. J.JEYAKUMARAN, Advocate, SR.No.79446.
+1cc to M/S. P.MAHENDRAN, Advocate, SR.No.79720.

W.P. (MD) No.21374 of 2015
and
M.P (MD) No.1 of 2015
18.09.2017

gk