



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P (MD) No.16604 of 2017

and

W.M.P. (MD) No.13213 & 13214 of 2014

C.K.Sunitha

.. Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Ezhilagam,
Annexe Building 6th floor,
Chepauk, Chennai-600 005.

2.The Commissioner,
Nagercoil Municipality,
Nagercoil-629 001,
Kanyakumari District.

3.The District Collector,
Kanyakumari District,
Nagercoil-629 001.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to the impugned auction cum tender notification issued by the 2nd respondent in his proceedings in ந.க.எண்.202/2014/அ13 dated 17.08.2017 and quash the same as illegal.

For Petitioner : Mr.C.Venkatesh kumar
for M/s Ajmal Associates

For Respondents : Mr.J.Gunaseelan Muthiah (for R1 & R3)
Government Advocate
Mr.P.Aathimoolapandian (for R2)

ORDER

This writ petition has been filed by the petitioner to issue a writ of Certiorari calling for the records relating to the impugned auction cum tender notification issued by the 2nd respondent in his proceedings in ந.க.எண்.202/2014/அ13 dated 17.08.2017 and quash the same as illegal.



3. The petitioner is the lessee under the 2nd respondent Municipality in respect of Shop Nos.4, 5 and 6 situated at Anna Perunthu Nilayam, Nagercoil and had already paid the entire enhanced rent for a period of 3 years for the year 2015-2017. Though the 2nd respondent Municipality has passed a number of resolutions, by duly extending the period of license in terms of G.O.Ms.No.92 Municipal Administration & Water Supply dated 03.07.2017 in respect of all other shops, no action was taken to implement the same so far. Aggrieved by the same, the petitioner is before this Court with the above said prayer.

4. It is seen that the Hon'ble Division Bench of this Court, while dealing with the similar issue involved in this Writ Petition, has dismissed the writ petition filed in W.P.(MD) No.16720 of 2017 by an order dated 05.09.2017.

5. At this juncture, the learned counsel for the petitioner has fairly submitted that the 2nd respondent has allotted only one shop to the petitioner and the petitioner now continues the prayer and only seeks some more time to take away the belongings kept in other two shops. The counsel for the 2nd respondent has consented to grant time to the petitioner.

6. In view of the submissions made on either side, this writ petition is disposed of, permitting the petitioner to take away her belongings from the respective shops in question, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Municipal Administration,
Ezhilagam, Annexe Building 6th floor,
Chepauk, Chennai-600 005.

2. The Commissioner,
Nagercoil Municipality,
Nagercoil-629 001, Kanyakumari District.

3. The District Collector,
Kanyakumari District, Nagercoil-629 001.

+1cc to AJMAL ASSOCIATES in SR. No. 80401

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 80843

TA

JS/SKN.RSK/SAR.2/27.09.2017/2P-6C