

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

DATED : 21.09.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P.(MD)No.17976 of 2017

K.A.K.Syed Khan Mohamed

... Petitioner

Vs.

The Executive Officer,
Illayankudi Town Panchayat,
Illayankudi.

... Respondent

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to permit the petitioner to run the street shop for the payment of the reasonable rent as fixed by the respondent Town Panchayat by considering petitioner's representation dated 16.08.2017 within the period that may stipulated by this Hon'ble Court.

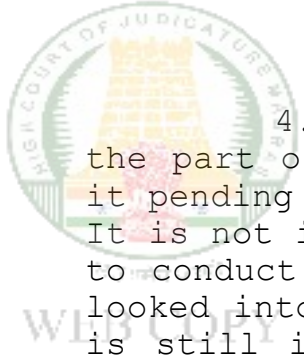
For Petitioner : Mr.C.Venkateshkumar
For Respondent : Mr.G.Muthukannan,
Government Advocate

ORDER

This writ petition has been filed by the petitioner, seeking a Writ of Mandamus, directing the respondent to permit him to run the street shop on receipt of a reasonable rent by the respondent Panchayat, by considering his representation dated 16.08.2017.

2. By consent, this writ petition itself is taken up for final disposal. Mr.G.Muthukannan, learned Government Advocate, takes notice for the respondent.

3. The petitioner was allotted a vacant land in the year 2011 for the purpose of carrying out his business activities and since the said land was merely an open place, he was not in a position to run any business thereon so as to earn his livelihood. Therefore, after obtaining loan from a bank in the year 2016, he approached the respondent seeking permission to run a shop and he further expressed his willingness to pay any reasonable rent for the same, by way of representation dated 16.08.2017. As the said representation is kept pending, without any action, the petitioner is before this Court.



4. Once a representation is received, it is obligatory on the part of the respondent to dispose it of either way and keeping it pending for ever will certainly prejudice the rights of a person. It is not in dispute that the petitioner was earlier granted licence to conduct his business in the open place and the only thing to be looked into now by the respondent is as to whether the said licence is still in force or not. Moreover, the question of renewal will arise in case of existence of the licence as of now and therefore, it is for the respondent to look into all these aspects and proceed further in the matter in one way or the other.

5. Under such circumstances, this Court, without going into the merits of the case, directs the respondent to consider the representation of the petitioner dated 16.08.2017 and pass appropriate orders, on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(A.E)

/True Copy/

Sub Assistant Registrar

To

The Executive Officer,
Illayankudi Town Panchayat,
Illayankudi.

+1cc to AJMAL ASSOCIATES in SR. No. 80402

GK
JS/SKN.RSK/SAR.2/11.10.2017/2P-3C

W.P. (MD) No.17976 of 2017
21.09.2017