

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

DATED: 24.10.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD) No.19533 of 2017**

G.Vijaya Ragavan

... Petitioner

vs.

1. The Special Officer/Executive Officer,
Selection Grade Town Panchayat,
Thisayanvilai, Tirunelveli District.

2. T.Venkatesh

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the 1st respondent to cancel the name of Tharmalingam for Shop No.7A of Thisayanvillai Town panchayat and include the petitioner's name and collect lease rent from the petitioner according to law based on the petitioner's final representation dated 06.07.2017.

For Petitioner	:	Mr.S.Muthalraj
For R - 1	:	Mr.J.Gunaseelan Muthiah Government Advocate
For R - 2	:	Mr.M.Rajaram

O R D E R

This writ petition has been filed seeking a direction to the first respondent to cancel the name of Tharmalingam for Shop No.7A of Thisayanvillai Town panchayat and include the petitioner's name and collect lease rent from the petitioner according to law based on the petitioner's representation dated 06.07.2017.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the second respondent. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3.The case of the petitioner is that his father has taken the above mentioned shop on lease and conducted lorry business.



The father of the second respondent got transfer of the said shop in his name and the first respondent also admitted that only based on the document executed by the petitioner's father on 05.04.2010, the shop was transferred in the name of the second respondent's father. Thereafter, after the demise of the petitioner's father, he made a representation dated 06.07.2017 to the first respondent to cancel the transfer and also to collect lease rent from the petitioner. Since the same has not been considered so far, the petitioner is before this Court with the above prayer.

4.The learned counsel appearing for the petitioner would submit that the petitioner's father died in the year 1986, but the document was stated to have been executed on 05.04.2010, which is not acceptable and amount to illegality.

5.Considering the above facts and circumstances, this Court, without going into the merits of the matter, directs the first respondent to consider the representation of the petitioner dated 06.07.2017 and pass appropriate orders thereon on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order, after giving due opportunity to the petitioner and any of the interested parties.

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

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

The Special Officer/Executive Officer,
Selection Grade Town Panchayat,
Thisayanvilai, Tirunelveli District.

+1cc to M/S.J.GUNASEELAN MUTHIAH, Advocate SR.No.83275.
+1cc to M/S.S.MUTHALRAJ, Advocate SR.No.83278.

W.P (MD) No.19533 of 2017
24.10.2017

mj

SDS/KK/SAR 1/02.11.2017/2P/4C