

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 20033 of 2018

T.G.Sakthivel

... Petitioner

Vs

The Commissioner,
Dharmapuri Municipality,
Dharmapuri Dt.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to consider the representation made by the petitioner dated 14.05.2018 for entrustment of vacant possession of the shop bearing No.46, Rajagopal Street Town Bus terminus, Dharmapuri Municipality, Dharmapuri in furtherance of the allotment order dated 30.11.2016 bearing Na.Ka.No.452/2016 issued by the respondent.

For Petitioner : Mr.A.Prabhakaran

For Respondent : Mrs.A.Sri Jayanthi,
Standing Counsel

O R D E R

This Writ Petition has been filed seeking for a direction directing the respondent to consider the petitioner's representation and to pass suitable orders and to hand over the possession of Shop No.46, Rajagopal Street, Dharmapuri Municipality.

2. The case of the petitioner is that the petitioner was allotted with a shop in public auction, bearing No.46, Rajagopal Street Town bus terminus, Dharmapuri by the respondent by an order dated 30.11.2016 and after the confirmation of shop, he has also deposited a sum of Rs.7,99,800/-, but the possession of the shop is not given to the petitioner. Hence, he has made a representation, but no order has been passed in the

representation. Hence, the petitioner has filed the present Writ Petition.

3. Earlier, notice was served on the respondent and the learned counsel appearing for the respondent Municipality, on instructions, submitted that the possession of the shop was already handed over to the petitioner as early as 11.09.2016 and on accepting the same, the petitioner has also given the letter to the respondent Municipality stating that he has taken over the possession of the shop. Even though the petitioner has paid the one year lease amount upto 2017, from 01.04.2018, the petitioner is in arrears of Rs.17,74,000/- and only in order to evade payment of arrears of amount, the petitioner has filed the present Writ Petition as if the possession is not handed over to him. The learned counsel appearing for the respondent has also produced the copy of the letter given by the petitioner for taking over the possession.

4. On perusal of the letter given by the respondent Municipality, it is seen that the possession of the shop was handed over to him on 10.09.2016 itself and he has also accepted the possession of the shop given to him. The learned counsel appearing for the petitioner is not in a position to dispute the above said letter. In the circumstances, the possession was already handed over to the petitioner, now, suppressing the same, the petitioner is seeking for a direction directing the respondent to consider the representation for handing over the possession. Hence, the relief sought by the petitioner cannot be granted and accordingly, the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rpp

To

The Commissioner,
Dharmapuri Municipality,
Dharmapuri Dt.

+1 cc Mr.A.Prabhakaran, Advocate, SR.No.64244
+1 cc Mr.A.Srijayanthi, Advocate, SR.No. 63894

W.P. 20033 of 2018

NRL (CO)
CSL/24.10.2018