

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.9652 of 2018

P.Madheswaran

..Petitioner

Vs

1. The Director of Town Panchayats
Kuralagam Buildings,
N.S.C. Bose Road,
Chennai.

2. The District Collector,
Collector Office,
Vengikkal,
Thiruvannamalai.

3. The Executive Officer,
Chengam Town Panchayat,
Thiruvannamalai District.

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the third respondent to consider the petitioner's representations dated 26.03.2018 and 02.04.2018 with respect to change the names of the shops number 10 and 12 to the petitioner's name and his father's name as per the G.O.(MS) Number 92, Municipal Administration and Water Supply Department dated 03.07.2007.

For Petitioner : Mr.K.L.Sekar

For Respondents: Mr.N.Inbanathan

Additional Government Pleader
for R1 & R2

: Mr.E.Balamurugan

Special Government Pleader for R3

ORDER

Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned Special Government Pleader appearing for the third respondent and perused the materials available on record.

2. The petitioner has come up with this writ petition for issuance of a writ of mandamus to direct the third respondent to consider the applications, dated 26.03.2018 and 02.04.2018 to change the name of the shop Nos.10 and 12 in his name.

3. The case of the petitioner is that he is a lessee in respect of the Shop No.9 at New Bus Stand from 2004 and he has been in possession and enjoyment of the shop without any disturbance. The further case of the petitioner is that one Ramesh Babu was a lessee of the Shop No.12 and due to health problem, he did not run the shop and the petitioner has been in possession of the said shop. Likewise, shop No.10 is also under the occupation of the petitioner.

4. The grievance expressed by the petitioner is that despite representation, the respondent has not transferred the lease of the shop Nos.10 and 12 in favour of the petitioner.

5. The third respondent has filed a counter affidavit admitting that the petitioner is a licensee of the shop No.9 and licence was renewed. It is further stated that one Saroja Ammal was the licensee of shop No.10 and she has now passed away. Therefore, the licence of the shop No.10 was cancelled. One Rameshbabu was the licensee of the shop No.12 and after expiry of the lease period, no request was given for renewal of licence. Therefore, on 05.04.2018, shop Nos.10 and 12 were brought for public auction, in which, one Shridhar was the successful bidder for shop No.10 and Periyathambi for shop No.12 and the auction in their favour was confirmed. So, the petitioner is not entitled for transfer of licence.

6. In the case one hand, admittedly, the petitioner is not a licensee for shop Nos.10 and 12 and in the counter affidavit, it is specifically stated that the shops were brought for public auction and they were given to third parties, viz., Shridhar and Periyathambi.

7. In the light of the above facts, in the considered opinion of this Court, the petitioner is not entitled for the relief sought for in the writ petition and the same is liable to be dismissed. In that view, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

To

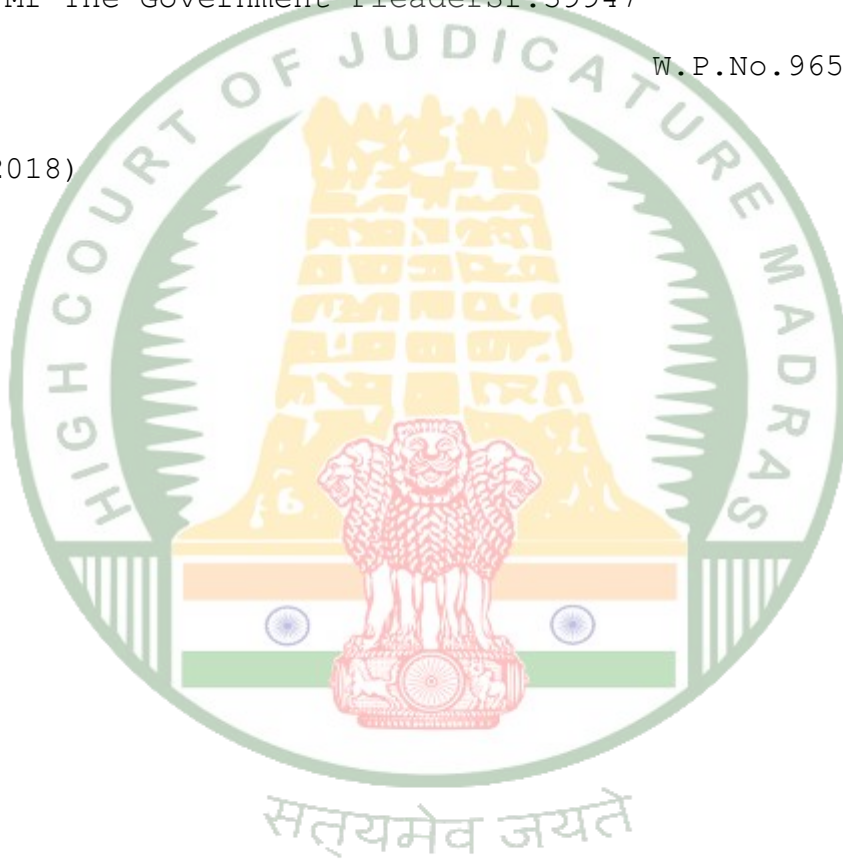
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+ 1 cc to Mr The Government PleaderSr.39947

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(CS-VII)
EU(03/07/2018)



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