

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.6950 of 2018
and
W.M.P.No.8604 of 2018

S.Jayalakshmi

...Petitioner

Versus

1.The Secretary to Government,
Municipal Administration & Water
Supply Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner,
Udumalpet Municipality,
Udumalpet,
Tiruppur District.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 2nd respondent herein to consider the petitioner's representation dated 21.3.2018 and permit to participate the auction in Shop Old No.8, New No.5 and 6 Central Bus Stand, Udumalpet- 642 126.

For Petitioner : Mr.A.Saranraj

For Respondents : Mr.B.Anand
Government Advocate for R1
Mr.A.S.Thambuswamy,
Standing Counsel for R2

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O R D E R

This writ petition has been filed seeking for issuance of writ of mandamus, directing the second respondent to consider the petitioner's representation dated 21.3.2018 and to permit the petitioner to participate in the auction to be conducted for the Shop Old No.8, New No.5 and 6 Central Bus Stand, Udumalpet- 642 126.

2. Heard Mr.A.Saranraj, learned counsel for the petitioner, Mr.B.Anand, learned Government Advocate appearing for the first respondent and Mr.A.S.Thambuswamy, learned Standing counsel appearing for the second respondent.

3. The learned counsel for the petitioner submitted that the second respondent has already taken possession of the shop from the petitioner. It is further submitted that some of the articles are still in the shop and the advance amount of Rs.3,60,000/- and deposit amount of Rs.2 lakhs are still lying with the second respondent.

4. The learned Standing counsel appearing for the second respondent would state that the second respondent has no proposal to bring the shop for auction. It is further submitted that the petitioner has taken away all the articles from the shop and if anything is available, the second respondent has no objection to take the remaining articles from the shop.

5. In view of the submissions made by the learned counsels on either side, this Court, directs the petitioner to give a representation to the second respondent with regard to returning of the advance and deposit amount. On such compliance, the second respondent shall consider the same and return, if any amount of the petitioner is due to her within a period of two weeks.

6. With the above direction this writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

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To

1.The Secretary to Government,
Municipal Administration & Water
Supply Department,
Fort St.George,
Chennai - 600 009.

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2.The Commissioner,
Udumalpet Municipality,
Udumalpet, Tiruppur District.

+1cc to Mr.A.SARANRAJ, Advocate, S.R.No.25108
+1cc to Mr.A.S.THAMBUSWAMY, Advocate, S.R.No. 24793

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and
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TR(05/04/2018)



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