

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.15790 of 2012
and MP.No.1 of 2012

K.Gandhimathi

..Petitioner

Vs

1. The Commissioner,
Cuddalore Municipality,
Bharathi Road,
Cuddalore - 607 001,
Cuddalore District.

2. S.Ravi

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the 1st respondent to transfer the rental arrangement in respect of Door No.20, Babu Kalaiararam, Beach Road, Cuddalore - 607 001, Cuddalore Taluk, Cuddalore District, to the name of the petitioner.

For Petitioner : Mr.R.Gururaj

For Respondents : Mr.L.P.Shanmugasundaram
for R1

: Mr.R.C.Paul Kanagaraj for R2

ORDER

Heard the learned counsel for the petitioner, the learned counsel for the first respondent and the learned counsel for the second respondent and perused materials available on record.

2. This writ petition has been filed for a issuance of a writ of Mandamus to direct the first respondent to transfer the rental arrangement in respect of the Shop No.20, at Babu Kalaiararam, Beach Road, Cuddalore in the name of the petitioner.

3. The case of the petitioner is that she married one Kumar in the year 1987 and out of the lawful wedlock, two children were born to them. But unfortunately her husband died due to heart-attack on 15.04.2005. The petitioner would further state that she requested the authorities of the first respondent to allot a shop and on the basis of her request, shop No.20 was allotted to her. However, solvency certificate

could not be produced by the petitioner and hence the shop was allotted in the name of the second respondent in the year 2005 and she is running a small hotel in that shop and paid rent up to 31.03.2012. Subsequently, she approached the first respondent to transfer the tenancy in her favour, which was not considered, hence the present writ petition.

4. The first respondent has filed a counter affidavit denying the allegations made by the petitioner and also stated that in the public action conducted by the first respondent, the second respondent became the successful bidder for the shop No.20 and he has been paying rent up to 31.03.2012. It is further stated that the petitioner was never in possession of the said shop and hence the request of the petitioner was rejected.

5. Though the petitioner claims to be the tenant of the shop No.20, but, no materials have been placed to substantiate the same. On the other hand, the first respondent has categorically stated that in the public action conducted for the shop No.20, second respondent was the successful bidder and he has been in possession and running a small hotel along with one Kannan.

6. Considering the above facts, I find no merit in this writ petition. Hence, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

msrm
To

The Commissioner,
Cuddalore Municipality,
Bharathi Road,
Cuddalore - 607 001,
Cuddalore District.

+ 1 cc to Mr.L.P.Shanmugasundaram, Advocate SR.37192

W.P.No.15790 of 2012

SS (CO)
EU (25/06/2018)

<https://hcservices.ecourts.gov.in/hcservices/>