



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY

Writ Petition (MD) No.2049 of 2018

and

W.M.P (MD) Nos.2280 to 2282 of 2018

N.Helan Manohari

... Petitioner

Vs.

The Commissioner,
Municipality of Nagercoil,
Nagercoil.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records connected with the impugned notice published by the respondent in Na.Ka.No.7841/A13/2017 dated 17.01.2018 in so far as shop No.11 Bethastha shopping complex Nagercoil allotment No.151/2004547 and quash the same.

For Petitioner

: Mr.K.K.Kannan

For Respondent

: Mr.P.Adhimoola pandian
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned notification issued by the respondent Municipality directing the petitioner to vacate the shop of the respondent Municipality on or before 30.01.2018.

2.According to the petitioner, she is the lessee in respect the shop of the respondent Municipality and the lease period is continuing till 31.03.2018. Now, the respondent is proposed to conduct public auction to lease out the shops in question and issued the impugned notice, directing the petitioner to vacate the premises on or before 30.01.2018, on the ground that lease period has already been expired.

3.The learned counsel appearing for the respondent admitted that the petitioner's lease period is valid till 31.03.2018 and she will not be evicted till 31.03.2018. It is further submitted that the respondent is proposed to conduct public auction in respect of the shops in question for the period commencing from 01.04.2018.

<https://hcservices.ecourts.gov.in/hcservices> 4. In the above circumstances, the impugned order passed by the respondent dated 17.01.2018 is set aside, only in respect of the portions, which directs the petitioner to vacate the shops



on or before 30.01.2018 and also in respect of taking possession of the shops. The respondent is directed not to evict the petitioner till the expiry of lease period i.e., 31.03.2018 and it is open to the respondent to conduct public auction in respect of the shops in question, if they so desire.

5. With the above observation, the writ petition is disposed of. No costs. Consequently, WMP(MD) Nos. 2280 to 2282 of 2018 are closed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

The Commissioner,
Municipality of Nagercoil,
Nagercoil.

SMS

VB/SKN/RSK/SAR2/13.02.2018/2P/2C

Writ Petition (MD) No.2049 of 2018
and
W.M.P (MD) Nos.2280 to 2282 of 2018
01.02.2018