



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD)No.6832 of 2018

and

W.M.P. (MD)Nos.6556 and 6557 of 2018

Seetha

... Petitioner

-Vs-

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Commissioner of Municipality,
Ramanathapuram Municipality,
Ramanathapuram.
3. The Executive Officer,
Mandabam Town Panchayat,
Mandabam, Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent in Na.Ka.No.069/2018/A1 dated 28.02.2018 and quash the same and consequently forbear the respondents and their men from entering or disturbing in any way into the business of the petitioner in Shop No.1, Market Street, Mandabam, Ramanathapuram District.

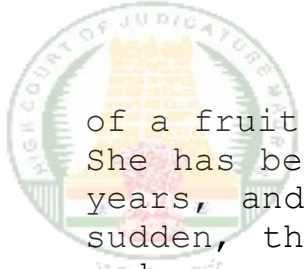
For Petitioner : Mr.K.Navaneetharaja
For R1 and R2 : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.
For R3 : Mrs.S.Srimathy,
Special Government Pleader.

ORDER

This writ petition has been filed, challenging the order passed by the third respondent directing the petitioner to vacate the shop, and hand over the possession immediately.

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

2.According to the petitioner, she is a licensee in respect



of a fruit stall belongs to the third respondent / Town Panchayat. She has been in possession and enjoyment of the same more than 25 years, and also paying licence fees regularly. Now, all of the sudden, the second respondent / Municipality passed the impugned order on the ground that they are going to conduct a public auction, and hence, they want the petitioner to vacate the shop immediately.

3. Admittedly, the petitioner is only a licensee, and she has no vested right or legal right to hold the property perpetually. Now, the third respondent / Town Panchayat wants to grant licence through a public auction. If at all the petitioner wants to continue her licence, it is always open to the petitioner to participate in the public auction, and she cannot prevent the third respondent from conducting any public auction.

4. In the above circumstances, the relief sought for by the petitioner cannot be granted. Accordingly, this writ petition is dismissed. However, it is always open to the petitioner to participate in the public auction. Till the auction is completed, and new licence granted, the possession of the petitioner should not be disturbed by the second respondent / Municipality. The third respondent also directed to conduct public auction, after giving due publication. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District, Ramanathapuram.
2. The Commissioner of Municipality,
Ramanathapuram Municipality, Ramanathapuram.
3. The Executive Officer,
Mandabam Town Panchayat,
Mandabam, Ramanathapuram District.

+ 1 cc TO Mr.K.Jegan , Advocate in SR No. 58745

+ 1 cc TO The Special Government Pleader in SR No. 59519

Myr

AE/SV MMS/SAR3/10.04.2018/2P/6C