



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) .No.13104 of 2018

and

W.M.P. (MD) .No.11976 and 11977 of 2018

M.Anand Ponusamy

...Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of Municipal Administration and Water Supply,
Fort St.George, Chennai-09.

2.The Nagercoil Municipality,
Represented by its Commissioner,
Nagercoil, Kanyakumari District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.7841/2017/A13 dated 04.05.2018 on the file of the respondent No.2 and quash the same as illegal and consequently direct the respondent Nos.1 to 2 to renew the lease for the petitioner shop at Kalaivanar Kalai Arangam at R/S.No.B-3-1-2E Balamore Road, Nagercoil, Kanyakumari District under G.O.Ms.No.92, Municipal Administration cum Water Supply Department dated 03.07.2007 or in alternative permit to occupy the premises to enable the petitioner to exhaust the stock of fire crackers by sale till 28.02.2019 within the time period stipulated by this Court.

For Petitioner

: Mr.T.Lajapathi Roy

For R1

: Mr.A.Muthukaruppan

Additional Government Pleader

For R2

: Mr.P.Athimoolapandian

ORDER

The petitioner was a tenant in a property belonging to the second respondent Municipality and was having fire crackers shop in the premises. The Municipality, in order to demolish the building, had sealed the petitioner's property on 31.03.2018 and directed the petitioner to remove the crackers which are kept inside the premises. The impugned order dated 04.05.2018, passed by the second respondent is under challenge in this Writ Petition.



2. When the matter is taken up for hearing, the learned counsel appearing for the petitioner would submit that he may be allowed to have keys of the premises for the purpose of removal of the crackers kept in the premises and the Authority may be directed to open the seal to enable the petitioner to remove the crackers from the premises.

3. The learned counsel appearing for the second respondent would submit that after sealing of the premises, the keys have been handed over to the Tahsildar, Agasteeswaram Taluk, Kanyakumari District.

4. Since the petitioner has given an undertaking that he would remove the crackers from the premises and hand over the possession, in the fitness of things, this Court passes the following direction:-

"Though the Tahsildar is not a party in this Writ Petition and in order to resolve the dispute between the petitioner and the second respondent Municipality, the Tahsildar, Agasteewaram Taluk, kanyakumari District is directed to hand over the keys to the petitioner to enable the petitioner to remove the crackers in the premises. At no circumstances, the premises can be retained by the petitioner for any purpose beyond 24.08.2018. On removal of the crackers, the petitioner is directed to hand over the premises to the authority concerned on or before 24.08.2018. The authority also should ensure that the premises shall not be in possession of the petitioner beyond 24.08.2018.

5. With these directions, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1.The Principal Secretary, State of Tamil Nadu,
Department of Municipal Administration and Water Supply,
Fort St.George, Chennai-09.

2.The Nagercoil Municipality,
Represented by its Commissioner,
Nagercoil,
Kanyakumari District.



3.The Tahsildar,
Agasteeswaram Taluk,
Kanyakumari District.

TSG

DS/SKN-RSK/SAR-2 :13.08.2018: 3P/4C

W.P. (MD) .No.13104 of 2018
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