



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :23.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.16069 of 2018

and

W.M.P. (MD).14329 of 2018

A.Zaviar John : Petitioner
Vs.

1.The Assistant Director of Town Panchayat,
Nagercoil, Kanyakumari District.

2.The Executive Officer,
Kaliyakkavilai Selection Grade Town Panchayat,
Padanthalumoodu Post,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to permit the petitioner to pay the lease amount with the second respondent's Town Panchayat in respect of market outside Shop No.4 is concerned and consequently direct the respondents to extend the lease period.

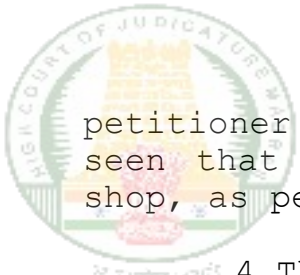
For Petitioner	: Mr.M.Saravanakumar
For R-1	: Mr.V.Ananth Government Advocate
For R-2	: Mr.M.Jeyakumar Additional Government Pleader

ORDER

The Petitioner has come forward with this Writ Petition seeking to issue a Writ of Mandamus directing the respondents to permit him to pay the lease amount with the second respondent's Town Panchayat in respect of market outside Shop No.4 and consequently direct the respondents to extend the lease period.

2.Mr.V.Anand, learned Government Advocate takes notice on behalf of the first respondent and Mr.M.Jeyakumar, learned Additional Government Pleader takes notice on behalf of the second respondent.

3.The Shop No.4, situated at Kaliyakkavilai Selection Grade Town Panchayat was allotted to the petitioner on condition that he should give undertaking to vacate the premises, in case the shop is sought to be demolished. It is on this specific condition, the



petitioner was given possession of the shop. However, it is now seen that the petitioner has not given undertaking to vacate the shop, as per the allotment condition.

4. The learned counsel for the petitioner submitted that the respondents are not justified in seeking such an undertaking from the petitioner.

5. I am not in agreement with the submission made by the learned counsel for the petitioner, for the simple reason that only on such a condition, the petitioner was allotted Shop No.4, situated at Kaliyakkavilai Selection Grade Town Panchayat. The notice dated 05.04.2018, evidences that the petitioner was allotted Shop No.4, on condition that he should pay a sum of Rs.9,939/- (Rupees Nine Thousand Nine Hundred and Thirty Nine Only) towards auction amount and also a sum of Rs.500/- (Rupees Five Hundred Only) towards renovation work and he should also give an undertaking that he shall vacate the shop in question, as and when it is required for demolition and construction of new shops. It was made clear in the said notice dated 05.04.2018, that the remaining amount will be settled to the petitioner, when he vacates the premises in question. In such circumstances, I do not find any reason to entertain this writ petition. Hence, the writ petition is dismissed. It is always open to the respondents to seek for such an undertaking from the petitioner, as indicated in the notice dated 05.04.2018. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Assistant Director of Town Panchayat,
Nagercoil, Kanyakumari District.

2. The Executive Officer,
Kaliyakkavilai Selection Grade Town Panchayat,
Padanthalumoodu Post,
Kanyakumari District.

+1cc to M/S.M.Saravanakumar, Advocate SR.No. 74546

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