

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.01.2019

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.13561 of 2018

P.Jayaraman

Petitioner

Vs

1. The Secretary,
Salem Agricultural Sales Committee,
Uthamasolapuram,
Salem.
2. The Deputy Director of Agriculture,
Sales and Commerce,
Room No.404, District Collector Campus,
Salem-1.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents 1 and 2 to consider the petitioner's representation dated 10.04.2018 and hand over the vacant possession of shop allotted in favour of the petitioner as per the order of the first respondent in Na.Ka.No.A4/1037/2018 dated 22.03.2018.

For Petitioner : Mr.V.Vijaya Surya

For Respondents: Mr.V.Jayaprakash Narayanan

O R D E R

The petitioner has come up with this Writ Petition seeking for a direction to the respondents 1 and 2 to consider the petitioner's representation dated 10.04.2018 and hand over the vacant possession of shop allotted in favour of the petitioner as per the order of the first respondent in Na.Ka.No.A4/1037/2018 dated 22.03.2018.

2. The case of the petitioner is that the first respondent herein floated a tender to lease out the commercial space at Hasthampatti Uzhavar Sandhi measuring

an extent of 50 sq.ft. for the purpose of running a tea shop and canteen for a period of one year i.e., from 01.04.2018 to 31.03.2019. The petitioner herein is the highest bidder and therefore the tender was awarded in his favour. The first respondent herein had issued permission vide his reference in Na.Ka.No.A4/1037/2018 dated 22.03.2018 to run a tea shop and canteen for a period of one year with certain conditions. It is further stated that the petitioner also deposited three months rent of Rs.9,000/- (Rupees Nine Thousand only) as advance amount to run the shop. Further, the petitioner has also paid a sum of Rs.3,000/- (Rupees Three Thousand only) as rent for the month of April 2018. Despite the same, the respondents have not handed over the premises

to the petitioner. Thereafter, the petitioner came to know that the previous lease holder of the said shop one S.Rajendran has not vacated the shop till date even after the expiry of the lease period on 31.03.2018 and further he has locked the shop and had not handed over the same to the respondents. Hence, the petitioner made a representation to the respondents 1 and 2, requesting them to remove the encroachment made by the first respondent and handover the vacant premises to the petitioner for running tea shop and canteen. Since, no action has been taken till date, the petitioner has come forward with this Writ petition seeking for the aforesaid relief.

3. There was yet another writ petition in W.P.No.8676 of 2018 which was filed by the previous licensee one Rajendran, challenging the award of licence of this Writ Petitioner. Today, the said Writ Petition was dismissed for non prosecution. Therefore, there is no impediment on the part of the respondents to restore the possession of the said premises and handover the same to this Writ Petitioner.

4. Accordingly, the first respondent is directed to restore the possession of the premises in question and handover the same to the writ petitioner.

With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar

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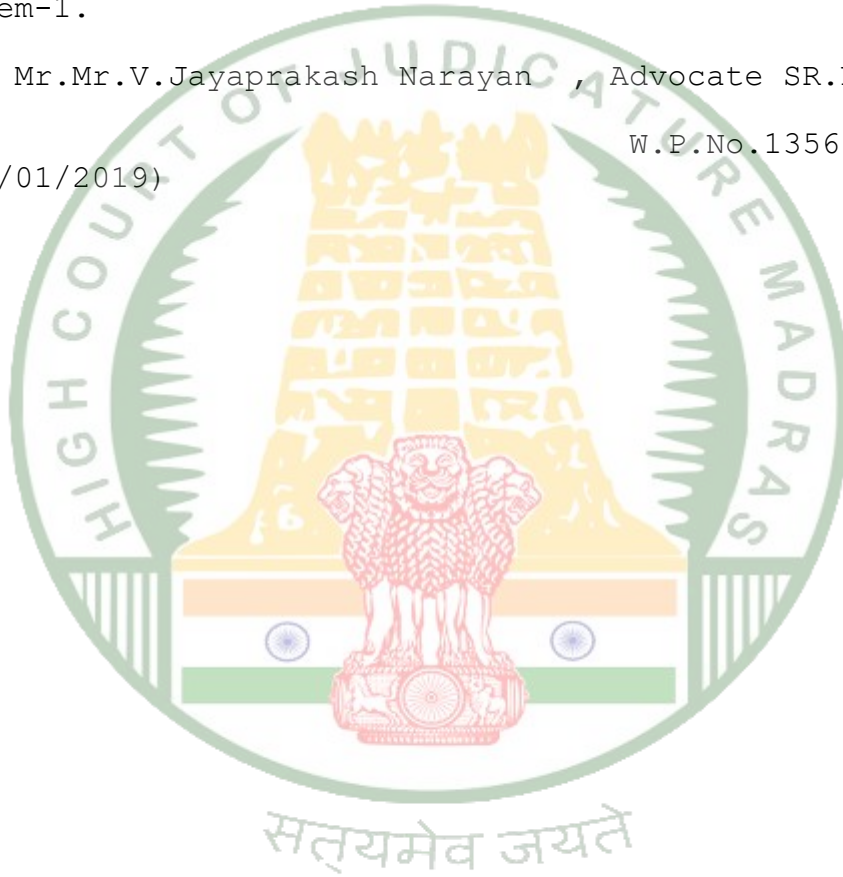
To

1. The Secretary,
Salem Agricultural Sales Committee,
Salem.
2. The Deputy Director of Agriculture,
Sales and Commerce,
Room No.404, District Collector Campus,
Salem-1.

+1cc to Mr.Mr.V.Jayaprakash Narayan , Advocate SR.No. 6563

W.P.No.13561 of 2018

A.SK(28/01/2019)



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