

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15288 of 2019
and W.M.P.No.15281 of 2019

S.Fathima

...Petitioner

.Vs.

The Commissioner,
Udhagamandalam Municipality,
Nilgiris District.

.... Respondent

Prayer: The Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to grant of license/permission to run the tea stall situate at near Botanical Garden, opposite to town DSP office, Charring Cross, Udhagamandalam pursuant to the payment made by the petitioner.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.P.Srinivasan
Standing Counsel for Municipality

O R D E R

This Writ petition has been filed to direct the respondent to grant license/permission to run the tea stall, which is situated near Botanical Garden, opposite to town DSP office, Charring Cross, Udhagamandalam, pursuant to the payment made by the petitioner.

2. According to the petitioner, she is in peaceful possession of the subject property and is in occupation of 8X8 feet with a temporary shed thatched with zinc sheet and running a tea stall. Further, she has made an application to the respondent /Municipality for license and she had paid a sum of Rs.3,700/- as license fee and the petitioner had duly paid the same on 13.05.2019. However, the respondent has not assigned any door number to the subject property. While such being the factual position, the respondent had directed the petitioner to vacate the premises and threatened with dire consequences.

3. Apart from the above, it is represented on behalf of the petitioner that she had submitted a representation / application for issue of licence to run the business and the respondent/ Municipality had received the licence fee, but, till date no action is taken, hence the present Writ Petition.

4. The learned counsel appearing for the petitioner submitted that it would suffice for this Court to issue a direction to consider the petitioner's application / representation within a stipulated period of time to be directed by this Court.

5. Mr.P.Srinivasan, learned Standing counsel appearing for the respondent would concede the request made by the learned counsel for the petitioner.

6. In view of the limited prayer sought for by the learned counsel for the petitioner, this Court, hereby directs the respondent to consider the application / representation of the petitioner and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. Consequently, connected Miscellaneous petition is closed. No Costs.

rri/ssd

Sd/-

Deputy Registrar (J)

//True Copy//

Sub Assistant Registrar

To
The Commissioner,
Udhagamandalam Municipality,
The Nilgiris District.

+1cc to Mr.S.Sivakumar, Advocate, SR.No.45529
+1cc to Mr.P.Srinivas, Advocate, SR.No.45514

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Kak (27/06/2019)