



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.08.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.20563 of 2019
& W.M.P.No.19797 of 2019

A.Vasanth,
S/o.Arjunan,
No.1/177, Adi Dravidar Street,
Kamalapuram,
Omallur Taluk,
Salem District. Petitioner

/verus/

1. The District Collector,
O/o.Collectorate,
Salem District.
2. The Assistant Director,
O/o.The Town Panchayat,
Salem Division,
Salem.
3. The Executive Officer,
Selection Grade Town Panchayat,
Omallur Taluk, Salem District. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, direct the 3rd Respondent withdraw the illegal notice dated 02.07.2019 in ந.க.எண்.20/2019/m2 issued against the petitioner herein and consequently direct the 3rd respondent not to conduct any further bid or tender in pursuance illegal notice dated 02.07.2019, without fixing rent for shop No.5 as fixed for similar shop in building for other allottees by completing necessary renovation work shop No.5, with the stipulated time.

For Petitioner : Mr.G.Munuraj

For Respondents : Mr.N.Inbanathan
Additional Government Advocate

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Additional Government Advocate for the Respondents.

2. The Learned Additional Government Advocate has furnished certificates from the neighbouring shop owners and the Executive Officer of the Town Panchayat, Omular, that Shop No.5 in Omular Bus stand is in good condition and fit for occupation. This certificates goes contrary to the allegations made in the affidavit.

3. When the matter is taken up for consideration, on earlier occasion, the respondents was directed to make the premises fit for occupation and allowed the petitioner to occupy the same, on payment of the arrears lease amount. It is now reported by the Executive Officer, Omular, that the Shop No.5, is fit for occupation. However, the petitioner has not come forward to pay the arrears of lease amount and take possession of the premises. The Photograph of the Shops was also furnished. In such circumstances, this Court is not in a position to consider the request of the petitioner, in this Writ Petition, which contrary to the facts, as per documents produced by the respondents.

4. With the above observations, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

bsm

To,

1. The District Collector,
O/o. Collectorate,
Salem District.
2. The Assistant Director,
O/o. The Town Panchayat,
Salem Division, Salem.

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3. The Executive Officer,
Selection Grade Town Panchayat,
Omaller Taluk, Salem District.

+1cc to Mr.G.Munuraj, Advocate SR.No.69843

+1cc to Mr.R.Govindasamy, Advocate SR.No.69520

+1cc to Government Pleader, High Court, Madras SR.No.69363

W.P.No.20563 of 2019

SJ(CO)
GMY(09/09/2019)



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