



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD)No.20745 of 2019

G.Kanthakumar

... Petitioner

Vs.

1.The Commissioner
Chinnamannur Municipality
Chinnamannur,Theni District.

2.The Superintendent of Police,
Theni District, Theni.

3.The Inspector of Police,
Chinnamannur Police Station,
Chinnamannur, Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 1st respondent herein to handover the vacant land to the petitioner, as per the proceedings of the 1st respondent in Na.Ka.No.6550/2015/A.2 dated 24.08.2018 forthwith.

For Petitioner

: Mr.K.Hemakarthiskeyan

For Respondents

: Mr.G.Karuppasamy Pandian

Standing Counsel for R-1

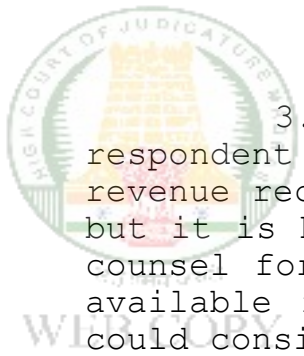
Mrs.J.Padmavathy Devi

Special Government Pleader for R-2

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the 1st respondent herein to handover the vacant land to the petitioner as per the proceedings of the 1st respondent in Na.Ka.No.6550/2015/A.2 dated 24.08.2018 forthwith.

2.The petitioner has become a successful bidder in a tender-cum-auction to lease out vacant lands belonging to the first respondent, Municipality on monthly rental basis. The monthly rent was fixed at Rs.2,610/- and he was allotted an area of 10 x 15 feet. The lease for a period of 3 years commencing from 01.09.2018 to 31.08.2021. Pursuant to the allotment order, the petitioner deposited a sum of Rs.75,000/- towards caution deposit. However, when he went to take possession of the particular land, it was under the occupation of the third respondent Police. Therefore, he sought for a direction directing the first respondent to hand over the vacant possession of the land to the petitioner, as per the proceedings in Na.Ka.No.6550/2015/A2, dated 24.08.2018.



3.The first respondent Municipality and the third respondent Police appeared before this Court. After verification of revenue records, it is not clear as to who is the owner of the land, but it is being used by the third respondent. However, the learned counsel for the petitioner would submit that other vacant sites are available near Chinnamanur market and hence, the first respondent could consider the same.

4.I have considered all the relevant documents as well as the submissions made by the respondent counsel.

5.In order to give a quietus to this issue, a direction is given to the first respondent to consider the request of the petitioner for allotment of the land similar to the one allotted already, near Chinnamannur market or any other suitable place for a period of 3 years, as assured by them. This process shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6.Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

vs

To

1. The Commissioner
Chinnamannur Municipality
Chinnamannur, Theni District.
2. The Superintendent of Police,
Theni District, Theni.
3. The Inspector of Police,
Chinnamannur Police Station,
Chinnamannur, Theni District.

+1CC to SPL GP SR.No.96346.

W.P (MD) No.20745 of 2019

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