



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

**W.P. (MD)No.5417 of 2017**

B.Petchiammal

... Petitioner

Vs

1.The Secretary

Municipal Administration and  
Water Sewage Department  
Government of Tamil Nadu  
St.George Fort,Chennai

2.The Director of Municipalities

Municipal Administration and  
Government of Tamil Nadu  
Ezhilagam, Chepauk,Chennai - 5

3.The Regional Director of Municipalities

Madurai Region,Thuvariman Road  
Kochadai, Madurai

4.The Commissioner

Usilampatti Municipality  
Usilampatti, Madurai District

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 23.03.2017 within the time fixed by this Court.

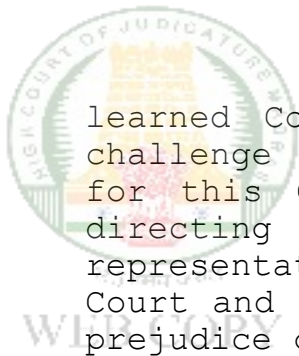
|                |                     |
|----------------|---------------------|
| For Petitioner | : Mr.J.Parekh Kumar |
| For R1 & R2    | : Mr.M.Rajarajan    |
|                | Government Advocate |
| For R3 & R4    | : Mr.K.Mahendran    |

**ORDER**

Heard the learned counsel on either side.

2.The petitioner's grievance is that the fourth respondent is not bringing the subject property to public auction. In fact, she would inform this Court that the auction was originally scheduled to be held with regard to the shops belonging to Usilampatti Municipality on 28.02.2017 and that it was arbitrarily cancelled. The petitioner gave a representation dated 23.03.2017 for bringing the property to auction.

3.Today, when the matter was taken up for hearing, the learned Standing Counsel would submit that the lease in respect of the shops in question have been renewed. If that be so, the learned Standing Counsel for the respondent/4<sup>th</sup> respondent Municipality is directed to immediately serve the copies of the renewal order to the



learned Counsel for the petitioner. So that, the petitioner can challenge the same in the manner known to law. It is not possible for this Court to grant any relief to the petitioner by merely directing the authority to take action on the petitioner's representation because the existing occupants are not before this Court and this Court will not be justified in passing orders to the prejudice of the existing occupants behind their back.

4. With this direction to the fourth respondent, this Writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

**Note: 1. Issue order copy within one day after the same received by the Court Officers Section.**

2. In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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**SMA/17/07/2020/2P/5C**

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