



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8135 of 2021

and

W.M.P. (MD) .No.6195 of 2021

P.Sekar

...Petitioner

Vs.

1. The District Collector,
Sivagangai District, Sivangai.

2. The Tahsildar,
Sivangangai Taluk, Sivagangai District.

3. The Commissioner,
Sivagangai Panchayat Union,
Sivagangia District.

4. The President,
Keelavaniyangudi Village Panchayat,
Sivagangai District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to allot one shop to the petitioner out of the eight shops constructed by the fourth respondent opposite the Government Medical College Hospital, Sivagangai.

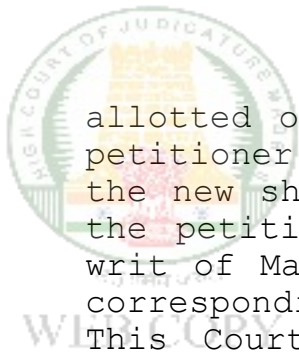
For Petitioner : Mr.V.Kannan

For R-1 & R-2 : Mr.K.P.Narayana Kumar
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to consider the representation made by the petitioner, wherein, the petitioner has sought for allotment of one shop in his favour out of eight new shops that have been constructed by the third respondent.

2. The relief sought for by the petitioner is unsustainable, since the petitioner does not have a legal right to insist for allotment of a shop. The respondents have constructed eight new shops in order to augment their income. Therefore, all the shops will have to be brought on auction and it has to be



allotted only in favour of the highest bidder. Just because, the petitioner is carrying on the tea shop opposite to the place, where, the new shops have been constructed, that does not give a right to the petitioner to seek for allotment of a shop. While issuing a writ of Mandamus, there should be an enforceable legal right and a corresponding duty. The same is completely absent in this case. This Court does not find any merits in this Writ Petition and accordingly, the same stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

To

1. The District Collector,
Sivagangai District, Sivangai.
2. The Tahsildar,
Sivangangai Taluk, Sivagangai District.
3. The Commissioner,
Sivagangai Panchayat Union,
Sivagangia District.
4. The President,
Keelavaniyangudi Village Panchayat,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-16963[F] dated 21/04/2021)

NOTE:

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.

Order made in

W.P. (MD) .No.8135 of 2021

Dated:

20.04.2021

RK (29.04.2021) 2P 6C