



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.9005 of 2021

and

W.M.P. (MD) .No.678 of 2021

K.Vishnu

... Petitioner

Vs.

The Commissioner,
Tiruchirapalli City Municipal Corporation,
Bharathidhasan Salai, Tiruchy-620 001.

... Respondent

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to take action to unlock the Shop No.2, located at Southern side of Upstairs, Central Bus Stand Buildings, Trichy, allotted to the petitioner and ensure the petitioner's right to life and livelihood, within a time that may be stipulated by this Court by considering the petitioner's representation dated 20.04.2021.

For Petitioner

: Mr.R.Venkatesan

for M/s. Right Law Associates

For Respondent

: Mr.N.S.Karthikeyan

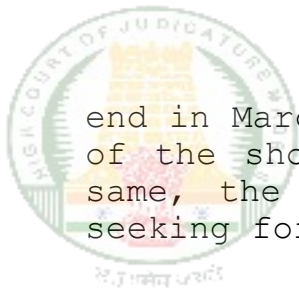
(standing Counsel)

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondent to remove the seal from the shop that was allotted to the petitioner and to permit the petitioner to continue to run the Travel Agency in the subject property.

2. Heard Mr.R.Venkatesan, learned counsel representing M/s. Right Law Associates appearing on behalf of the petitioner and Mr.N.S.Karthikeyan, learned Standing Counsel appearing on behalf of the respondent.

3. It is an admitted case that the petitioner had been given license to run a Travel Agency by the respondent Corporation. The petitioner has been running the Travel Agency from the year 2008 onwards and in fact, the petitioner was granted license only after he participated in the auction and he was the highest bidder. The license of the petitioner was extended from time to time after



end in March 2021. Therefore, the respondent has taken a possession of the shop and it has been locked and sealed. Aggrieved by the same, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. In the considered view of this Court, the petitioner does not have any vested right to continue the Travel Agency in the property belonging to the respondent Corporation. Once the license period comes to an end, the petitioner has to handover the possession of the property. The contention of the learned counsel appearing for the petitioner that the petitioner should have been put on notice before the respondent took action, is totally unsustainable. There is no requirement for issuing a notice to the petitioner after the license period got over. The Corporation must only take steps to grant license to the shop by calling for a public auction and the petitioner will always be entitled to participate in the auction and make his bid. Therefore, this Court does not find any ground to interfere with the action taken by the respondent Corporation.

5. The other grievance expressed by the petitioner is that some of the materials pertaining to the Travel Agency is inside the shop and since the shop has been locked and sealed, the petitioner is not able to take away the materials belonging to him.

6. There shall be a direction to the respondent Corporation to inform the petitioner and open the shop during a forenoon session. The petitioner shall be permitted to take away all his materials. Thereafter, the shop can be sealed and the Corporation can take possession of the same. It is brought to the notice of this Court that there are arrears of rent payable by the petitioner to the Corporation. It is left open to the Corporation to recover the arrears of rent, if any, in accordance with law.

7. The Writ Petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

The Commissioner,
Tiruchirapalli City Municipal Corporation,
Bharathidhasan Salai, Tiruchy-620 001.

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KB(16.06.2021) 3P 2C