



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.5683 of 2022

G.V.Selvaganapathi

...Petitioner

vs.

1. The District Collector,
O/o.District Collector,
Cuddalore District.

2. The Municipal Commissioner,
O/o.Viruthachalam Municipal,
Viruthachalam, Cuddalore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to allow the petitioner to continued the shop situated at Selvarasu Bus Stand, Viruthachalam, Cuddalore District in pursuant to the petitioner representation dated 23.01.2022.

For Petitioner : No Appearance

For R1 : Mr.TNC.Kaushik
Addl.Govt.Pleader.

For R2 : Mr.V.P.R.Elamparithi
Addl.Govt.Pleader

ORDER

This petition has been filed by the petitioner to issue a Writ of Mandamus, directing the respondents to allow the petitioner to continued the shop situated at Selvarasu Bus Stand, Viruthachalam, Cuddalore District in pursuant to the petitioner representation dated 23.01.2022.

2. There is no representation on behalf of the petitioner.

3. The case of the petitioner appears to be that the petitioner was allotted to permission to open a Aavin Shop, Viruthachalam based on the resolution of the Municipal Board in Resolution No.285 of 2015 dated 03.03.2015. However, there is no other document to substantiate the same that such resolution was indeed passed. There are also no records to



substantiate that the petitioner was indeed allotted a shop earlier.

4. It is further case of the petitioner that the petitioner had also obtained electricity connection and that the petitioner has been running the Aavin shops since 2015. It is further case of the petitioner that though the rent was fixed to Rs.3,000/- p.m. and the same was not communicated to the petitioner. On 20.01.2017, the second respondent closed the shop without issuing any appropriate notice to the petitioner. Under these circumstances, the petitioner has sent a detail representation to the second respondent on 23.12.2019 for fixing the rent. The petitioner had sent another representation dated 23.01.2022 to the first respondent. The said representation has not evoked any response.

5. Under such circumstances, I am inclined to dispose this writ petition by directing the 2nd respondent to consider and pass appropriate orders on the representation dated 23.01.2022 of the petitioner, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. If the petitioner has any arrears of rent, the same may be collected and if any alternate place is available, the petitioner may be given a fresh allotment subject to the applicable rules and regulations of the respondent Municipal Board.

6. This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

kkd

To

1. The District Collector,
O/o.District Collector, Cuddalore District.
2. The Municipal Commissioner,
O/o.Viruthachalam Municipal,
Viruthachalam, Cuddalore District.

+1cc to Mr.N.Deepan Raj, Advocate SR. No. 38646

+1cc to State Government Pleader SR. No. 39017

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