



WEB COPY



W.P. No. 30760 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 30760 of 2022

and

W.M.P. Nos. 30195 and 30196 of 2022

N.Sathishkumar

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary,
Municipal Administration and Water Supply Department,
Secretariat,
Fort St. George,
Chennai – 600 009.
2. The District Collector,
Vellore District,
Vellore.
3. The Commissioner,
Vellore City Municipal Corporation,
Vellore – 632 001.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Third Respondent insofar as the notice issued on 07.11.2022 in Na. Ka. No. 1707/A1/2022/Ma.4 and quash the same and direct the Third Respondent to allot shops to the Petitioner with reasonable conditions.



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For Petitioner : Mr. S.Thiruvengadam
For Respondents : Mr. M.Shahjahan,
Special Government Pleader
(for R1 & R2)
Mr. P.S.Prabhu (for R3)

ORDER

Heard Mr. S.Thiruvengadam, Learned Counsel for the Petitioner, Mr. M.Shahjahan, Learned Special Government Pleader appearing for the First and Second Respondents and Mr. P.S.Prabhu, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner was one of the lessees of the shops of the Third Respondent at old bus stand in Vellore and he had earlier filed the Writ Petition in W.P. No. 1030 of 2020, which has been disposed with certain directions by order dated 05.07.2022 passed by this Court. In furtherance to the said order, the Third Respondent had by Notice in Na. Ka. No. 1707/A1/2022/Ma.4 dated 07.11.2022, called upon the Petitioner to comply with the requirements for allotting shop constructed in the shopping complex at the new bus stand which



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includes furnishing of Earnest Money Deposit of Rs. 10,00,000/- along with Solvency Certificate from the Revenue Authorities by 11.30 a.m on 14.11.2022 to the Third Respondent.

3. It is informed that after the filing of the Writ Petition on 14.11.2022, the Petitioner has on 21.11.2022 furnished Earnest Money Deposit of Rs. 10,00,000/- and he has produced a cheque for Rs. 15,00,000/- with an undertaking to submit the Solvency Certificate within a period of three weeks, apart from clearing the entire rental arrears due before 10.00 a.m. on 23.11.2022, and that he has made a representation dated 22.11.2022 to the Third Respondent to accept the same in satisfaction of the said requirements in the impugned notice. Learned Counsel for the Petitioner submits that though this Writ Petition has been filed challenging the imposition of the said conditions as onerous, the Petitioner would be satisfied if the Third Respondent passes appropriate orders on the said representation dated 22.11.2022 made by the Petitioner taking into consideration the limited time earlier granted for compliance of those conditions and the bonafides shown by the Petitioner in this case.



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4. Having due regard to the aforesaid submissions made *viz-a-viz* the order passed by this Court referred supra, this Writ Petition is disposed requiring the Third Respondent to immediately pass orders on the said representation dated 22.11.2022 made by the Petitioner with regard to satisfaction of the conditions imposed in the impugned Notice in Na. Ka. No. 1707/A1/2022/Ma.4 dated 07.11.2022 sent by the Third Respondent, before proceeding further to conduct public auction of the shops at 11.00 a.m. on 23.11.2022 as proposed by the Third Respondent. Consequently, the connected Miscellaneous Petitions are closed. No costs.

22.11.2022
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Index: Yes/No

Note: Issue order copy on 22.11.2022.

To

1. The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat,
Fort St. George,
Chennai – 600 009.
2. The District Collector,
Vellore District,
Vellore.
3. The Commissioner,
Vellore City Municipal Corporation,
Vellore – 632 001.



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P.D. AUDIKESAVALU, J.

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