



WEB COPY



W.P.No.16281 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.16281 of 2017
and W.M.P.No.17611 & 17612 of 2017

D.Ranganathan

... Petitioner

Vs.

The Commissioner
Edapadi Municipality
Edapadi Post & town
Salem District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the Municipal Shops short time Auction and Tender notice issued by the respondent in Na.Ka.No.353/2016/P4 dated 15.06.2017 and quash the same, consequently issue a direction, directing the respondent to allot any one of the shop Nos.51 and 52 situated at Eadpadi bus stop in favour of the petitioner by considering his representation dated 30.05.2017.



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For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mr.K.J.Sivakumar
Standing counsel

ORDER

The Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the Municipal Shops short time Auction and Tender notice issued by the respondent in Na.Ka.No.353/2016/P4 dated 15.06.2017 and quash the same, consequently issue a direction, directing the respondent to allot any one of the shops in Nos.51 and 52 situated at Eadpadi bus stop in favour of the petitioner by considering his representation dated 30.05.2017.

2.It is the case of the writ petitioner that, he was allotted shop No.1 in Poolampatty Road, Edappadi vide proceedings dated 28.09.2007 in Na.Ka.No.4177/2005/P4 on a monthly rent for a sum of Rs.2,250/-. The petitioner has also paid 12 months rent as advance. Besides, the petitioner also deposited a sum of Rs.3,000/- towards electricity charges. Originally, a lease is for a period of three years and subsequently it was renewed upto



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30.04.2012. However, on 22.04.2012, the Highways department demolished the shop on the ground that it is a Highways property. Therefore, the writ petitioner has filed the present petition stating that his representation dated 30.05.2017 to be considered and to allot him other shops available with the respondent.

3.Learned standing counsel appearing for the respondent would submit that in a similar writ petition filed by the adjacent shop owner in W.P.No.16324 of 2017, this Court vide its order dated 28.02.2020 had directed the respondent to refund the lease rent for the period from 01.04.2010 to 30.09.2012 with interest at the rate of 8% per annum. He added that other shops are also put to an auction and allotted to various other persons and they have no other shops to allot to the petitioner.

4.As the lease period is already over and when the lease period was in existence till 30.04.2012, the petitioner's shop was demolished by the Highways department and a further fact is that other shops are already put in auction and various persons were allotted, directing the respondent to allot a



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shop has become academic.

5. Such view of the matter, the respondent is hereby directed to refund the entire advance amount and any other deposits received by them from the petitioner with interest at 8% p.a. within a period of three (3) weeks from the date of receipt of a copy of this order.

6. With the above observation, this writ petition stands disposed of. Consequently, the connected miscellaneous petitions are closed. No costs.

09.12.2022

Index : Yes / No
Internet : Yes / No
Speaking / Non speaking order

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To

The Commissioner
Edapadi Municipality
Edapadi Post & town
Salem District

N.SATHISH KUMAR, J.



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