



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P (MD) .No.3327 of 2022

D.Nithishkumar

.. Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Pattukottai Taluk Office,
Pattukottai,
Thanjavur District.

3.The Executive Engineer,
Public Works Department,
(Buildings Construction and Maintenance),
Court Road, Thanjavur District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 and 3 to consider the representation of the petitioner, dated 03.01.2020 and consequently, direct the respondents to allot the tea stall shop situated in the 2nd respondent campus by fixing the due rent within the time stipulated by this Court.

For Petitioner : Mr.D.R.Murugesan

For Respondents : Mr.M.Lingadurai

Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 2 and 3 to consider the representation of the petitioner dated 03.01.2020, seeking for allotment of a tea stall shop situated in the second respondent campus, after fixing the due rent and pass final orders on merits and in accordance with law, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that he is a physically challenged person having 80 % disability. He has given a representation to the second and third respondents on 03.01.2022,



requesting them to allot the tea stall shop in the second respondent campus after fixing the rent. Since the respondent has not considered the petitioner's representation, he has filed this writ petition.

3. Heard Mr.D.R.Murugesan, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents.

4.Mr.M.Lingadurai, learned Special Government Pleader on instructions would submit that only based on the auction, shops were allotted in the second respondent complex. Therefore, whenever an auction is conducted the petitioner can very well participate in the said auction and if he is successful, he can get allotment in his favour. For this contention, the learned counsel for the petitioner submits that till date no auction has been conducted and presently the tea stall shop has been occupied by a person namely Anbarasi.

5.No prejudice will be caused to the respondents, if the petitioner's representation dated 03.01.2020, seeking for allotment of tea stall shop in his favour in the second respondent's complex, is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and Ms.Anbarasi, who the petitioner claims to be the occupant of the tea stall shop and any other necessary parties, within a time frame to be fixed by this Court.

6.Accordingly, this Court directs the second respondent to consider the petitioner's representation dated 03.01.2020, seeking for allotment of a tea stall shop in the second respondent building complex in favour of the petitioner and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties including Anbarasi, who the petitioner claims to be in occupation of the tea stall shop presently within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

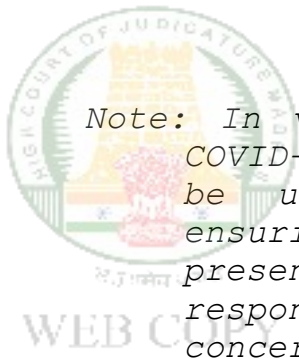
Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar(CS)

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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.

To

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Tahsildar,
Pattukottai Taluk Office,
Pattukottai,
Thanjavur District.
- 3.The Executive Engineer,
Public Works Department,
(Buildings Construction and Maintenance),
Court Road, Thanjavur District.

+1 CC to M/s.SPL GP (SR-8331[F] dated 24/02/2022)

**W.P (MD) .No.3327 of 2022
22.02.2022**

NSN(CO)
GC(08.03.2022) 3P 5C