



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.7431 of 2022

Chelladurai

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George,
Secretariat,
Chennai - 9.

2.The Regional Municipal
Director of Administration [RMDA],
Tirunelveli,
Tirunelveli District.

3.The Commissioner,
Sengottai Municipality,
Sengottai,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein by providing priority to the petitioner by allotting a shop in the name of the petitioner after the completion of newly constructed building in the Sengottai Municipality by considering the petitioner's representation dated 12.04.2022.

For Petitioner : Mr.J.C.Rathnavel Pandian
For Respondents 1&2 : Mr.T.Amjad Khan
Government Advocate
For Respondent No.3 : Mr.P.Athimoola Pandian
Standing Counsel

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to provide priority to the petitioner while allotting shops after completion of the newly constructed building in Sengottai Municipality, by considering the petitioner's representation dated 12.04.2022 within a time frame to be fixed by this Court.



2.The petitioner claims that he is in possession of a shop in Shop No.8 of the third respondent Municipality, situated at Pump House Road, Sengottai, Tenkasi District, which is going to be demolished. According to him, he is in possession of the said shop for a very long period of time. It is his case that since he has been in possession of a shop for a very long period of time, in the new building to be constructed, he is to be granted priority. In such circumstances, he has given a representation on 12.04.2022 to the respondents. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.J.C.Rathnavel Pandian, learned Counsel appearing for the writ petitioner, Mr.T.Amjad Khan, learned Government Advocate who accepts notice on behalf of the respondents 1 & 2 and Mr.P.Athimoola Pandian, learned Standing Counsel who accepts notice on behalf of the third respondent.

4.No prejudice would be caused to the respondents if the representation of the petitioner is considered on merits and in accordance with law after affording a fair hearing to the petitioner. The petitioner seeks for priority in the allotment of shop in the new building to be constructed by the third respondent Municipality in the place of the existing shop which is going to be demolished.

5.For the foregoing reasons, this Court directs the third respondent to consider the petitioner's representation dated 12.04.2022, seeking for allotment of a shop on priority basis in the newly constructed building and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of three [3] months from the date of receipt of a copy of this order.

6.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR



To:

- 1.The Secretary to Government,
State of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Fort St. George,
Secretariat,
Chennai - 9.
- 2.The Regional Municipal
Director of Administration [RMDA],
Tirunelveli,
Tirunelveli District.
- 3.The Commissioner,
Sengottai Municipality,
Sengottai,
Tenkasi District.

+1 CC to M/s.SPL.GP. (SR-20451[F] dated 22/04/2022)

W.P. [MD]No.7431 of 2022
20.04.2022

_RD(05.05.2022) 3P 5C